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History of

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
FRIDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

VOLUME 1.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.
THE CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.
1888.

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PUBLIC ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON FRIDAY, THE THIRTIETH DAY OF DECEMBER, EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

S. B. BUCKNER, *Governor.*
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*
BEN. JOHNSON, *Speaker House of Representatives.*
GEO. M. ADAMS, *Secretary of State.*
P. W. HARDIN, *Attorney-General.*

CHAPTER 1.

AN ACT to amend an act, entitled "An act to better protect turnpike roads in which the State is interested."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to better protect turnpike roads in which the State is interested," approved the May 15, 1886, be, and the same is here-

How amended. by, amended, so that the same shall not apply to the Covington and Lexington Turnpike Road Company.

§ 2. This act shall take effect from and after its passage.

BEN. JOHNSON,

Speaker of the House of Representatives.

JAMES W. BRYAN,

Speaker of the Senate.

Approved January 5, 1888.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS; *Secretary of State.*

CHAPTER 2.

AN ACT to fix the time of holding the court of claims in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims for Bracken county shall meet for the purpose of levying the tithes and taxes for said county on the third Monday in January in each year: *Provided*, That if said court shall, for any cause, fail to meet or have a quorum on that day, it may meet for said purposes on the first day of any succeeding regular term of the Bracken county court, not later than the June term for said year, and make said levies as fully as if done on the third Monday in January.

Date for meeting.

§ 2. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved January 5, 1888.

CHAPTER 8.

AN ACT to repeal an act, entitled "An act to amend section 475 of the Civil Code of Practice," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend section 475, Civil Code of Practice," approved May 15, 1886, be, and the same is hereby, repealed. Amendment of May 15, 1886, to section 475, Civil Code Practice, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 18, 1888.

CHAPTER 11.

AN ACT to change the time of holding the court of claims and county levy court of Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the court of claims and county levy court for Oldham county shall be as follows: Said court shall be held on the third (3) Monday in April, 1888, and on the third (3) Monday in January in each year thereafter. Court—when held.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 14, 1888.

CHAPTER 13.

AN ACT changing the times of holding the court of claims for Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the regular terms of the court of claims for Lewis county shall be held on the fourth Court—when held.

Monday in January in each year, and the said court may adjourn from day to day, not exceeding three days, if the transactions of the business of the session so require, and until said business is completed.

§ 2. This act shall take effect from and after its passage.

Approved January 14, 1888.

CHAPTER 19.

AN ACT for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution, and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

Preamble.

WHEREAS, Experience has pointed out the necessity of amending the Constitution, and the expediency of calling a convention for that purpose; and whereas, the General Assembly of this State, by virtue of the provisions of an act approved January 18, 1886, having a title similar to this act, and pursuant to the provisions of the Constitution, submitted said question to the good people of this State at the general election of Representatives held therein on the first Monday in August, 1887; and whereas, it appears from the returns of said election, now on file in the office of the Secretary of State, that at the said election a majority of all the citizens of this State entitled to vote for Representative, voted for calling said convention; and whereas, the Constitution provides that, at its next regular session succeeding such election, the General Assembly shall direct that a similar poll shall be opened, and returns made at the next general election held in said State for Representative:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the next general election for Representatives to the General Assembly, it shall be the duty of
opened.

the several sheriffs and other officers of election to open a poll for and make a return to the Secretary of State, for the time being, of the names of all citizens entitled to vote for Representatives, who have voted at the said election for calling a convention for the purpose of re-adopting, amending or changing the Constitution.

§ 2. That any sheriff or other returning officer failing to perform the duty imposed by first section of this act, shall be subject to a fine of six hundred dollars (\$600), to be recovered by indictment of the grand jury in any court having jurisdiction thereof, and shall, upon conviction of such failure, be removed from office by the court in which such conviction is had. Sheriff—penalty for neglect.

§ 3. That for the purpose of ascertaining the number of citizens entitled to vote for Representatives within this State, in the year 1889, there shall be furnished, as hereinafter provided, to the sheriffs and other officers of the election in August, 1889, a registration book, in which the officers of the election shall record the names of all citizens entitled to vote for Representatives within this State at the said election. Vote—how taken The officers of the election shall be *ex officio* officers of registration; and shall have said registration book open for the record of said names between the hours of 6 o'clock, A. M., and 7 o'clock, P. M., on the day of the August, 1889, election, at all the voting places in this Commonwealth. And it shall be the duty of all citizens of this Commonwealth who are entitled to vote for Representatives on the day of the next general election in August, 1889, to go before the sheriffs and other returning officers of said election, in the voting precinct in which they are severally entitled to vote, and cause themselves to be registered on the poll-book as qualified voters of this Commonwealth; and the names of any and all citizens living in the district known to said officers to be entitled to vote for Representative, or made known to them by evi-

dence on that day, shall be registered as not voting. And in the year eighteen hundred and eighty-nine no other officer shall be authorized to make any list or return of the qualified voters of this Commonwealth, nor shall any return thereof, except the registration books and certificates provided for by this act, be made, and all laws requiring list or returns of such qualified voters are hereby repealed, so far as the year eighteen hundred and eighty-nine is embraced therein. The total number of votes so registered shall be the true number of citizens entitled to vote for Representative within this State, for the purpose of ascertaining whether a majority of all the citizens of this State entitled to vote for Representative, vote for calling a convention for the purpose of re-adopting, amending or changing the Constitution.

Number entitled
to vote.

Registration
books.

Officers, duty of.

§ 4. The said registration books shall be appropriately ruled and headed, so that they may, and it is hereby enacted that the same shall, be the poll-books for recording the votes for and against the calling of the Constitutional Convention, and for ascertaining the number of citizens entitled to vote for Representative within the State. It shall be the duty of the said officers of election to propound to every voter the question: "Do you vote for calling a Constitutional Convention or not?" If such voter shall answer in the affirmative, his name shall be recorded as voting for said convention; if such voter shall answer in the negative, his name shall be recorded as voting against said convention; and if such voter makes no answer, his name shall be recorded or registered as not voting upon said question. And it shall be the duty of the officers holding the election at each voting place in the State, to certify the total number of voters registered, and the number voting for calling the Constitutional Convention, and to make out a duplicate certificate showing said facts. The registration book shall be by them immediately sent, at the expense of the Commonwealth, by mail, to the

Secretary of State at Frankfort, Kentucky, and the duplicate certificate attached to the poll-book for the election of State officers, and returned therewith as now directed by law.

§ 5. The Secretary of State in office at the convening of the General Assembly next after the election in August, 1889, shall, immediately upon the organization of the same, transmit to each House a statement prepared by him from the said registration and poll-books, showing how many votes were at the said election cast in favor of said convention, and the total number of voters registered, whether voting for or against, or not at all. The report shall be made up by counties. He shall retain the registration books for the use of examination and inspection of the next General Assembly.

§ 6. It shall be the duty of the officers, whose duty it is by law to compare and certify the votes for State officers, to make out from the certificates returned with the State election poll-books as above provided, and at the time they certify the votes for State officers, a certificate by voting places, showing the total number of votes registered and the number voting for calling a Constitutional Convention, and to send the certificate to the Secretary of State; and if the registration book provided for above shall, as to any voting place, be lost, destroyed or not returned, then the Secretary of State, in making the report to the General Assembly, shall use the information in the certificate as to any such district or precinct, and he shall, moreover, use the certificate to show that he has or has not the registration book for each voting place in each county named in said certificate.

§ 7. It shall be the duty of the Secretary of State, after the adjournment of this General Assembly, to make out the form of a registration book and certificates to be made and used as herein provided, and to furnish the same to the Public Printer forthwith; and it shall be the duty of the said Public Printer to make

up and bind in the usual form one registration book, with a certificate thereon, for each voting place in the State; also the duplicate certificate and the county certificate, and send the same to the several sheriffs, who shall see that they are delivered and used at the various voting places as herein required.

Sheriff's—duties.

Penalties—
officers.

§ 8. That any officer failing to do or perform any of the acts or duties enjoined upon him by the third, fourth, fifth, sixth and seventh sections of this act, shall be subject to a fine of five hundred dollars (\$500), to be recovered by indictment of any grand jury in any court having jurisdiction thereof, and shall, upon conviction, be removed from office by the court in which said conviction is had.

Sec'y of State to
advertise.

§ 9. That it shall be the duty of the Secretary of State to have this act advertised in one weekly newspaper having the largest circulation in each county of this Commonwealth, wherein there is such paper published, for two weeks, and two of the daily papers of the city of Louisville for ten days immediately preceding the election; and in every county said Secretary shall cause to be posted at the court-house door a copy of this act, printed in handbill form, for at least four consecutive weeks before such election.

Public Printer to
print this Act.

County clerks'
duties.

Sheriff to post
notices.

Penalty.

§ 10. It shall be the duty of the Public Printer to print ten thousand copies of this act upon a separate sheet of paper and deliver them to the Secretary of State, who shall forward the same to the county clerks of the various counties in this State, in such numbers as to provide at least two copies thereof for each voting precinct; said clerk shall deliver the same to the sheriffs or other officers acting in the place thereof; and it shall be the duty of such sheriff or other officer to post one copy of said act at each voting place, and another copy at some other suitable public place in said precinct four weeks prior to the election. Any officer failing to discharge the duties prescribed in this section of this act shall be fined for

each and every failure twenty dollars, to be recovered in any court having jurisdiction thereof.

§ 11. This act shall take effect and be in force from and after its passage.

Approved January 20, 1888.

CHAPTER 23.

AN ACT to amend an act, entitled "An act to provide for the holding of the county courts when the judge is absent or can not preside."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to How amended. provide for the holding of county courts when the judge is absent or can not preside," approved January 12, 1876, be, and the same is hereby, amended, by striking out the words "regular monthly," in the third line of said section, and by adding after the words "if in attendance can not properly preside," the words "or, if either party to any action, cause, motion, exception or special proceeding pending before him, or in said court, shall make and file with the clerk the affidavit mentioned in section 1, article 7, chapter 28, General Statutes:" *Provided*, That no Proviso. party to any such action, cause, motion, exception or special proceeding shall file more than one such affidavit in the same.

§ 2. This act shall take effect from its passage.

Approved January 21, 1888.

CHAPTER 28.

AN ACT to regulate the terms of the chancery court in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the law providing for the August term of the Nicholas chancery court is hereby repealed, and hereafter the March and November terms of said court shall begin on the Tuesdays next after the third Mondays in said months of March and November, respectively, and continue five days for each term, if the business requires that number of days.

August term re-
pealed.

When court be-
gins.

§ 2. This act shall take effect and be in force from its passage.

Approved January 24, 1888.

CHAPTER 31.

AN ACT to amend an act, entitled "An act to declare navigable streams all of the streams and creeks that empty into Cumberland river above Point Burnside, on said river."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of an act, entitled "An act to declare navigable streams all the streams and creeks that empty into the Cumberland river above Point Burnside, on said river," be amended so as to read as follows: That any person engaged in floating boats, rafts, timber, trees or logs out of said streams, or any of them, who shall damage or injure any property, real or personal, shall be liable to be sued, and subjected to such damages as the party injured shall sustain: *Provided*, This act shall not be so construed as to prevent the use of swinging or loose water-gaps

How amended.

Proviso.

by farmers or land-owners on any tributary of said river above Point Burnside; but persons floating timber, boats, staves, and so forth, may open any water-gap for the purpose of letting pass said timber, boats, and so forth, but shall replace the same within a reasonable time after the passage of said timber, and so forth; and any person, corporation or company, who shall remove any water-gap, shall be liable for all damages sustained by any person by reason of said removal.

§ 2. This act to take effect from and after its passage.

Approved January 25, 1888.

CHAPTER 43.

AN ACT to repeal so much of section 7, chapter 81, of the General Statutes, as makes the offices of county surveyor and deputy clerk of the county court incompatible, so far as same applies to Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 7 of chapter 81 of the General Statutes, so far as it makes the office of county surveyor and deputy clerk county court incompatible, be, and the same is hereby, repealed: *Provided*, This act shall only apply to Hancock county. Sec. 7, chap. 81, General Statutes, amended.

§ 2. This act shall take effect from and after its passage, and shall only apply to the county of Hancock. Applies to Hancock county only

Approved January 26, 1888.

CHAPTER 45.

AN ACT to repeal so much of chapter 288 of the Acts of 1885 and 1886, entitled "An act to regulate the civil jurisdiction of quarterly courts of Mason, Shelby and Spencer counties, as applies to the county of Mason."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Applies to
Mason county
only.

§ 1. That an act, entitled "An act to regulate the civil jurisdiction of quarterly courts of Mason, Shelby and Spencer counties," approved March 16, 1886, so far as it applies to the county of Mason, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 50.

AN ACT to fix the compensation of grand jurymen in all courts of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Pay fixed.

§ 1. That hereafter a grand jurymen in any of the courts of this Commonwealth shall be paid two dollars for each day he is in attendance upon the court as grand juror.

§ 2. That all acts and parts of acts in conflict with the provisions of this act be repealed.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved January 27, 1888.

CHAPTER 56.

AN ACT limiting the number of guards to be employed in conveying prisoners to the State Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the number of guards employed in conveying prisoners to the penitentiary shall not exceed one for every two criminals. No. of guards.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved January 30, 1888.

CHAPTER 69.

AN ACT to establish a court of common pleas in the county of Christian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a court of justice be, and the same is hereby, established in and for Christian county, to be known as the "Christian court of common pleas," and which shall be a court of record, held by a single judge, and who, after the first election therefor, shall be elected in the same manner and at the same time as circuit judges of this Commonwealth, and who shall have the like qualifications, and receive a salary of twelve hundred dollars per annum, one half of which shall be paid to him from the State Treasury, in the same manner as circuit judges are paid, and the remaining half to be paid to him by the county of Christian as is hereinafter provided; he shall be a conservator of the peace, be commissioned and qualified as circuit judges are, and be subject to impeachment in like manner and for like causes, and have like

Court established
Style.
Judge—how elected.
Judge's salary, how paid.

powers as circuit judges, as a magistrate or judicial officer out of court.

Judge—when
elected.

§ 2. The first election for judge of said court shall be held at the regular August election in 1888, and vacancies shall be filled, and special judges elected in and for the said court in like manner as in the circuit courts of this Commonwealth, and the same practice and the same fees, as far as applicable, shall prevail in said court as in circuit courts; and it shall have a seal, bearing its name and the arms of the Commonwealth.

Sheriff—duties.

Clerk—duties.

§ 3. The sheriff of Christian county shall perform all the duties in all cases and proceedings in said court which would otherwise devolve upon him in the circuit court, and the clerk of the Christian circuit court shall perform the clerical duties of said court, and shall be entitled to the same fees as allowed him as clerk of the Christian circuit court; he shall be responsible on his official bond for the faithful discharge of his duties herein, and his certification of the records of said court shall have the same force and effect as his certification of records from the Christian circuit court; and before the holding of the first term of said court he shall, without fee or reward, transfer to said court all civil common law cases then pending in the Christian circuit court (except on forfeited recognizances, bail-bonds, and so forth), which shall thereupon proceed in said court of common pleas; and said clerk shall keep a common docket and motion docket for said court, as is now required by law to be kept in circuit courts.

Jurisdiction.

§ 4. The said court of common pleas shall have all the civil common law jurisdiction, original and appellate, which, by the existing laws, appertain to the Christian circuit court (except on forfeited recognizances, bail bonds and so forth, as aforesaid), and which jurisdiction shall be exclusive of the Christian circuit court and to its clerk's office; transcripts from the judge of the Christian quarterly court and from justices' courts or other courts of similar jurisdiction on

appeal, and for executions and bonds taken in proceedings by distress or attachment for rent, shall be returned; and actions may be transferred from this court to the equity docket of the Christian circuit court, and from the Christian circuit court to the docket in this court, in all cases and in the same manner that actions are now authorized to be transferred from one docket to the other in the Christian circuit court.

§ 5. The Christian court of common pleas shall have annually four terms, beginning on the first Mondays of February, May, August and November in each year, and continuing four weeks, unless all the business in said court should have been sooner disposed of, with the power, however, to the judge of said court, to extend any term of said court, when in his judgment the business of said court may require it. Court—when held.

§ 6. All summonses, active or constructive, in actions commenced in said court, must be executed and returned in like manner as in circuit courts. Summon.

§ 7. Said court shall have full power to make all necessary rules to facilitate its business, not inconsistent with the Constitution and laws of this Commonwealth; and its judgments and final orders shall be subject to appeal to the Superior Court and Court of Appeals in like manner as those of circuit courts. Court—rules.

§ 8. In the summoning and selection of juries, and in the trial by jury, and in the payment of jurors in the said court, the laws applicable to circuit courts shall apply. Juries.

§ 9. The county court of Christian county is hereby directed to levy an annual tax on the taxable property of said county, in addition to the taxes already provided for, sufficient to raise the sum of six hundred dollars, which shall be collected as other taxes, and by the Sheriff of said county paid over to the judge of said court, on or before the first day of January of each year, and the sheriff shall be responsible on his official bond for moneys so collected. County court to levy taxes. Responsibility of sheriff.

§ 10. Nothing in this act shall be construed as changing in any way the jurisdiction of the Christian quarterly court as provided by law, or as disqualifying a judge of the Christian court of common pleas from practicing in any other court of this Commonwealth, except in the inferior courts of said county.

Construction of
this act.

§ 11. This act shall take effect and be in force from and after its passage, and the Governor of this Commonwealth is hereby authorized and empowered, upon the passage of this act, to appoint and commission a suitable and eligible person as judge of said court, who shall serve as such until the regular election in August, 1888, and until the person then elected shall qualify.

First judge—how
appointed—term.

Approved February 6, 1888.

CHAPTER 73.

AN ACT to change the time for holding the quarterly court of Lee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Court—when
held.

§ 1. That the time for holding the quarterly court of Lee county be, and is hereby, changed from Tuesday after the fourth Monday in the months March, June, September and December to the Tuesday after the fourth Monday in February, May, August and November.

§ 2. This act to take effect from and after the first day of May, 1888.

Approved February 6, 1888.

CHAPTER 80.

AN ACT to change the time of holding the court of claims and county levy court in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the court of claims ^{Court—when held.} and county levy court in Cumberland county be changed from the second Monday to the first Monday in October of each year.

§ 2. This act to take effect from its passage.

Approved February 6, 1888.

CHAPTER 89.

AN ACT to change the time of the meeting of the State Board of Equalization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of meeting of the State Board ^{Time of meeting changed.} of Equalization be, and is hereby, changed from the tenth day of February to the twentieth day of March: *Provided*, That they may be called together at an ^{Proviso.} earlier date by the Auditor when a sufficient number of assessors' books have been received and tabulated to enable the Board to proceed with their labors.

§ 2. This act to take effect from and after its passage.

Approved February 10, 1888.

CHAPTER 103.

AN ACT to amend section 80, article 1, chapter 94, of the General Statutes, entitled "Roads and Passways," in so far as the same applies to the county of Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 30, art. 1, chapter 94, of General Statutes amended. § 1. That the whole of section 30 of article 1 of chapter 94 of the General Statutes be stricken out, and the following enacted in lieu thereof, viz: When any wheel carriage, plough, scraper, draught horse, oxen, gear or driver, shall be necessary for the making, altering or repairing of any road, bridge, causeway or culvert, the surveyor shall have the right to obtain the same by contract, not exceeding two teams and wheel carriages, or ploughs or scrapers to use therewith, for each day the surveyor calls out all his hands assigned to work his section of road, and actually works said road with said hands; and a statement, in writing, or in open court, by the surveyor, under oath, showing the number of days' service, and the price agreed to be paid at the time of making said contract, shall entitle the owner to have the same levied at the next court of claims.

How amended.

Court of claims, duties. § 2. The court of claims may levy a sum to pay for such additional use of teams, wheel carriages, ploughs and scrapers, on roads, as said court may deem to be or to have been necessary; but said court shall not be compelled to make any levy to pay for the use of any draught horse, oxen, gear or driver in excess of two teams and the wagons, ploughs, scrapers, gear or driver used with said two teams, for each day the surveyor of the section of road worked said road, with the hands assigned thereto.

Road surveyor, duties. § 3. And it shall be the duty of each road surveyor who has used a wheel carriage, plough, scraper, draught horse, oxen, gear or driver, in making, altering or repairing his section of road, and the bridges

causeways and culverts thereon, to annually, and before a levy is made to pay for such services, file in said court a statement, in writing, under oath, showing the number of days he has worked his road, with the hands assigned thereto, during the preceding year.

§ 4. The court of claims shall have the power to order each or either side of any road, or any part thereof, to be ditched, not exceeding three feet deep, and the dirt from the ditches thrown up in the center of the road; and when said order shall have been made by the court of claims, said court shall not be compelled to levy a tax to pay any claim for hauling and putting stone or gravel upon such road, unless said road shall have been ditched and thrown up as provided by such order.

§ 5. The provisions of this act shall apply to Barren county only.

§ 6. This act shall not be construed to repeal, or in any way affect, an act of the General Assembly of Kentucky, entitled "An act for the benefit of public roads in Barren, Metcalfe and Monroe counties," approved April 1, 1882.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 13, 1888.

CHAPTER 120.

AN ACT to amend a resolution, approved January —, 1888, entitled "Resolution to investigate the Auditor's and Treasurer's Departments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a resolution, entitled "A resolution to investigate the Auditor's and Treasurer's Departments," approved January —, 1888, be amended by

adding thereto the following words as an additional section, viz: "This resolution shall take effect from its adoption."

§ 2. This act shall take effect from and after its passage.

Approved February 14, 1888.

CHAPTER 124.

AN ACT to provide certain buildings with permanent ladders or fire-escapes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Buildings re-
quired to have
fire-escapes.

§ 1. That all buildings of three or more stories in height, in every city of more than ten thousand inhabitants, as enumerated by the last United States census, excepting private residences and store and warehouses in which not more than twenty persons are employed, shall be provided with one or more permanent metallic ladders or fire-escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location, numbers and character of construction as the chief of fire department or chief fire officer of each such city may determine. The said chief of the fire department or chief fire officer shall examine the building, and serve, either in person or by deputy, a notice, in writing, upon the owner, agent, lessee or occupant of such building, by leaving at his or her residence or place of business a copy of such notice, setting forth the number, kind, construction and location of the ladder or ladders required, and directing that the work shall be completed not later than thirty days from the filing of the notice.

Duties of fire
chiefs, etc.

Owners of build-
ings—their
duties.

§ 2. If the owner of the building fails to take steps looking to the compliance of the specifications of the said notice, then the agent, lessee or occupant who is

jointly liable for the violation of the provisions of this act, must have the work performed at his own expense, and for which a lien on the building and grounds is hereby declared to exist after record in the office of the county clerk.

§ 3. Any owner, agent, lessee or occupant of such Penalties. building violating any of the provisions of this act, shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each thirty days the building may be unprovided with the ladder or fire-escapes, recoverable on motion before any court of competent jurisdiction.

§ 4. This act shall take effect and be in force on and after the first day of June, 1888.

Approved February 18, 1888.

CHAPTER 131.

AN ACT to change the time of holding the county and quarterly courts of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the regular term of the Elliott county court shall be held beginning on the second Monday in each month, and continuing as many days as the business may require. County court, when held.

§ 2. That the quarterly court of Elliott county shall be held, beginning on the Tuesday succeeding the second Monday in the month of March, June, September and December, instead of the Tuesdays succeeding the third Mondays of said months. Quarterly court, when held.

§ 3. That all acts or parts of acts that are in conflict with this act are hereby repealed.

§ 4. That this act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 135.

AN ACT to change the time of holding the Spencer county court of claims and to legalize certain orders of said court.

Preamble.

WHEREAS, By the provisions of local statutes in force in Spencer county, the court of claims of said county was required to be held on the fourth Monday in April, 1887; and whereas, said court has begun and held its sessions on the first Mondays in January in 1887, and also on the first Monday in January, 1888; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the orders and proceedings of said court of claims of Spencer county be, and they are declared to be, as valid and binding as if the court had been held on said fourth Mondays in April, 1887 and 1888.

§ 2. The said court of claims shall hereafter hold its regular annual sittings beginning on the first Mondays in January of each year.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 196.

AN ACT regulating proceedings in the Hancock quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Process issued in civil cases to be tried in same court. § 1. That hereafter all process of summons or warrant in civil cases, which shall be issued on actions commenced in the quarterly court of Hancock county, shall be returned unto said court, and the action in which same is issued shall proceed and be tried in said court.

§ 2. This act shall take effect and be in force from its passage.

Approved February 18, 1888.

CHAPTER 201.

AN ACT to reduce the number of magisterial districts in Meade county, and to repeal so much of section 3 of article 2 of chapter 33 of the General Statutes, and acts amendatory thereof, as empowers or authorizes the county court or judge thereof to establish, alter, divide, increase or decrease the magisterial districts and places of voting in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the number of magisterial districts of Meade county shall be five instead of eleven, as now provided by law. The Garnettsville and Woodland voting precincts shall constitute one of said districts, and shall be district No. 1; the Big Spring and Meadville voting precincts shall constitute one of said districts, and shall be district No. 2; the Court-house and Ashcraft's voting precincts shall constitute one of said districts, and shall be district No. 3; the Paynesville, Bennett and Cedar Branch voting precincts shall constitute one of said districts, and shall be district No. 4; the Wolf Creek, Concordia and Rhodelia voting precincts shall constitute one of said districts, and shall be district No. 5.

Number of magisterial districts increased.

Arrangement of districts.

§ 2. That at the next regular election for justices of the peace and constables, there shall be elected in each of said districts two justices of the peace and a constable; said justices of the peace and constables to serve as now provided by law.

Justices and constables, when elected.

§ 3. That so much of section 3 of article 2 of chapter 33 of the General Statutes, and the acts amendatory thereof, as empowers or authorizes the county court of said county or the judge thereof to establish, alter, divide, increase or decrease magisterial districts or the number thereof, in said county or voting places, or the number thereof, is hereby repealed.

Part of section 3, article 2, chapter 33, General Statutes, repealed.

§ 4. This act shall not take effect nor be in force until the same shall be ratified by a majority of the votes cast at the next regular election held on the first Monday in August, 1889.

This act to be ratified by vote.

County clerk's
duty.

§ 5. It shall be the duty of the clerk of the Meade county court, in preparing the poll-book for said election, to make two columns, marked at the head thereof on each page: "For or against reducing magisterial districts," as hereinbefore described in this act.

Election clerks,
duty of.

§ 6. It shall be the duty of the clerks of said election to propound to each individual who offers to vote at said election the question: "Are you for or against reducing the number of magisterial districts from eleven to five?" And his vote shall be recorded according to his answer. If it shall appear, from a comparison of the polls, that a majority is in favor of reducing the magisterial districts as hereinbefore

Board of Exam-
iners, duty.

described, then the board of examiners shall make a certificate of that fact, which shall be filed with clerk, who shall record the same in his office, and then this act shall be in full force and effect.

County Judge,
duty.

§ 7. It is hereby made the duty of the county judge to order the sheriff to give thirty days' notice of said election by written or printed posters in two or more different places in each voting precinct of the county.

§ 8. This act, in so far as it authorizes the vote to be taken, shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 208.

AN ACT to accept the provisions of an act passed by the Congress of the United States, approved March 2, 1887, for the establishment and maintenance of agricultural experiment stations, in connection with the agricultural colleges established by the several States and Territories under the act of Congress approved July 2, 1882.

Preamble.

WHEREAS, The Congress of the United States passed an act, entitled "An act to establish agricultural experiment stations, in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887; and

whereas, by section 9 of said act, whatever appropriations may be made by Congress in pursuance of the purposes contemplated by said act, become available to the stations established in connection with agricultural colleges only on condition that "the legislative assent of the several States and Territories to the purposes of said grants" be obtained; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assent of the Legislature of this Commonwealth be, and is hereby, given to the provisions of said act. Legislative assent given.

§ 2. That the Governor of this Commonwealth send a certified copy hereof to the Secretary of the Treasury of the United States. Duty of Governor.

§ 3. That this act shall take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 303.

AN ACT to readjust and fix the time of holding the circuit courts in the First Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court of Fulton county shall convene on the third Monday of each February and August, and shall hold twelve judicial days if the business require it. The circuit court of Hickman county shall convene on the first Monday of each March and September, and continue twelve judicial days if the business require it. The circuit court of Carlisle county shall convene on the third Monday of each March and September, and continue twelve judicial days if the business require it. The circuit court of Ballard county shall convene on the first Monday of each April and October, and hold twelve

judicial days if the business require it. The circuit court of Graves county shall convene on the third Monday of each April and October, and continue for twenty-four judicial days if the business require it.

Calloway. The circuit court of Calloway county shall convene on the third Monday of each May and November, and hold for eighteen judicial days if the business require it.

Marshall. The circuit court of Marshall county shall convene on the second Monday of each June and December, and hold twelve judicial days if the business require it.

McCracken. The circuit court of McCracken county shall convene on the first Monday of each January and July, and hold eighteen judicial days if the business require it.

Livingston. The circuit court of Livingston county shall convene on the fourth Monday of January and July, and hold twelve judicial days if the business require it.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage, except it shall not apply to Fulton and Hickman county until after the February term of said court in 1888, in said county.

When this act
takes effect.

Approved February 27, 1888.

CHAPTER 325.

AN ACT to grant the consent of the State of Kentucky to the purchase by the United States certain lands in the county of Campbell, for the purpose of military post and erecting improvements thereon, and ceding to the United States jurisdiction over the same.

Preamble. WHEREAS, By virtue of an act of Congress, approved March 3, 1887, authorizing the purchase by the United States of a suitable site in Campbell county, Kentucky, for the location of a military post, and making appropriations for the erection of suitable buildings thereon, the Bigstaff, Happensack, Bloom and Shaw tract of land, near Newport, was

selected and paid for, but before building operations can be commenced, it is necessary, under the provisions of section 355, Revised Statutes of the United States, that the consent of the Legislature of the State of Kentucky should be obtained, and that jurisdiction over the land in question should be ceded to the United States; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the consent of the State of Kentucky to Consent given. the purchase of the tract of land mentioned in the preamble to this act, for the purposes therein named by the United States, be, and is hereby, given, and the United States shall have, hold, use and occupy said land as provided for by this act.

§ 2. That exclusive jurisdiction over said tract of Jurisdiction. land be, and is hereby, ceded to the United States, so long as they remain the owners thereof, for all purposes, except the administration of the criminal laws of this Commonwealth, and the service of any civil process thereon; and said tract of land, and the improvements which may be erected thereon, shall be exempt from State, county and municipal taxes so long as it shall remain the property of the United States: *Provided*, That the trustees of Covington Proviso. reservoir and the city of Covington, its successors or assigns, shall have and enjoy the right of laying the thirty-inch water main and its necessary appendages connecting the pumping plant and reservoir, now being constructed by said trustees for said city, with its present water pipe system, and to maintain the same during the pleasure of said city, its successors and assigns, and the right of access to said main through those parts of said land acquired by the said United States government from Mary A. Happensack and A. H. Bloom, adjacent to the strips of said lands conveyed by said Happensack and Bloom, respectively, to said city of Covington, anterior to the con-

veyance by said parties to the said government for laying, relaying and repairing said main when necessary ; furthermore, should it be necessary to have any earth additional to that taken from the trench in refilling the same, it shall be taken from the nearest point on the adjacent ground where the least injury will be done to the land ; or should it be necessary to waste any surplus earth taken from the trench, it shall be deposited at such point on the adjacent land as will do the least injury. Nevertheless, the said government shall have the possession and use of said parts of said lands, subject to said rights reserved to said trustees and said city, its successors and assigns, which said rights shall be exercised with all due care. And all damages resulting from any negligence on the part of said trustees or said city, its successors or assigns, to be duly paid to the said government or its assigns. The tops of said water main, when placed under ground, to be at least three feet below the surface. Should the use of said ground for the purpose aforesaid by said trustees or said city, its successors or assigns, be discontinued, all right to them shall revert to the said government.

§ 3. This act shall take effect from its passage.

Approved February 29, 1888.

CHAPTER 362.

AN ACT to amend section 6 of article 1 of chapter 60 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

How amended. § 1. That section 6 of article 1 of chapter 60 of the General Statutes, title "Interest and Usury," be amended by striking therefrom the words "except for malicious prosecution, libel, slander or injury to the person."

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved March 1, 1888.

CHAPTER 367.

AN ACT to regulate the jurisdiction of the quarterly court of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the jurisdiction of the quarterly court of Warren county," approved March 11, 1884, be, and the same is hereby, repealed. Act March 11, 1884, repealed.

§ 2. That section 2, article 13, chapter 28, General Statutes, in so far as the same applies to the Warren quarterly court, be, and the same is hereby, amended by striking from the last line of said section the word "two," and inserting in lieu thereof the word "five." Section 2, article 13, chapter 28, General Statutes, amended.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1888.

CHAPTER 368.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock and all other except life insurance companies," approved March 12, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of an act approved March 12, 1870, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock and all other except life insurance companies," be, and the same is hereby, amended, so that shares How amended.

of stock in companies to transact no other insurance business than to guarantee the fidelity of persons holding places of trust may be in sums of ten dollars or more, as may be specified in the certificate of incorporation.

§ 2. This act shall take effect from its passage.

Approved March 1, 1888.

CHAPTER 378.

AN ACT to amend chapter 27, article 2, section 7, of the General Statutes, title "County Levy."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended. § 1. That section 7 of article 2, chapter 27, of the General Statutes, be, and the same is hereby, amended by striking out October in the fourth line in said section, and inserting August, and by striking out the word January in the sixth line in said section, and inserting November, so that ninety per cent. of the county claims shall be due the first day of August each year, and the residue, ten per cent., due the first day of November each year.

§ 2. This act shall take effect from and after its passage, and shall apply only to Butler county, Kentucky.

Approved March 2, 1888.

CHAPTER 390.

AN ACT to change the terms of the Madison quarterly court, and provide for the summoning and pay of jurors in said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When courts begin. § 1. That the terms of the Madison quarterly court shall begin on the second Monday in February, May,

August and November, and the court may adjourn from time to time until the business therein is completed.

§ 2. That the sheriff of Madison county, ten days Sheriff to summon jurors. before the beginning of each term of the Madison quarterly court, shall summon twelve men, who are qualified as jurors are now by law required to be, for two days' service as jurors in said court, and that they be allowed for such service one dollar per day each, Juror's pay. and that the sum be paid by the sheriff out of the county levy of Madison county for the current year, to whom the clerk of said court shall furnish a certified list of said jurors, showing the number of days served by each. The sheriff shall take receipts from the jurors for such payments, and the sum shall be allowed as a credit to him in his settlement of the county levy.

§ 3. That the Madison Quarterly court be exempted Exemption. from the operation of the act approved February 11, 1890, entitled "An act to regulate the number and pay of juries in justices, police, city and quarterly courts."

§ 4. That juries in the Madison quarterly court may Six men a jury. consist of six men, qualified as now required by law.

§ 5. That in each case in which a jury shall try a case in the Madison quarterly court, or judgment of non-suit or dismissal shall be entered, or withdrawal of a jury by consent, after it has been sworn, the successful party shall pay to the clerk of the Madison quarterly court a jury fee of three dollars, within ten Jury fee three dollars. days after the rendition of the judgment in the case, and upon his failure so to do, the payment thereof shall be enforced in the same manner as provided for How collected. in chapter 62, article 5, of the General Statutes, and no execution shall issue on the judgment against the unsuccessful party until the jury fee is paid. The Taxed as costs. jury fee shall be taxed as part of the costs of the successful against the unsuccessful party, and shall be Clerk to pay over. paid to the said clerk, who shall make full report

each year to the regular term of the Madison county court of claims and levy of the funds so collected by him, and the same shall be paid over into the county levy.

§ 6. That this act shall take effect from and after its passage.

Approved March 3, 1888.

CHAPTER 395.

AN ACT to amend an act, entitled "An act to readjust and fix the time of holding the circuit courts in the First Judicial District," approved February 27, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

How amended.

§ 1. That section 3 of an act, entitled "An act to readjust and fix the time of holding the circuit courts in the First Judicial District," be, and the same is hereby, amended by striking out of said section the word "Hickman," and by adding to said section the following proviso, to wit: That the circuit court of Hickman convene on the second Monday of March, 1888, and hold for twelve juridical days, and the circuit court of Carlisle shall convene on the fourth Monday of March, 1888, and hold six juridical days; but after said terms in 1888 the courts of said counties shall be held as provided in said act, approved February 27, 1888.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1888.

CHAPTER 400.

AN ACT to change the time of holding the Madison county court of claims and levy, and the compensation of the magistrates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular term of the Madison county court of claims and levy shall begin on the third Monday of April in each year, and shall continue in session for such length of time, and may adjourn from such time to time, as may be necessary to transact the business of the county. When courts shall begin.

§ 2. That each magistrate shall be allowed three dollars per day for each day he shall actually attend the Madison county court of claims and levy, to be paid to him out of the county levy. Magistrate's pay

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 6, 1888.

CHAPTER 402.

AN ACT to amend an act, entitled "An act to regulate the civil jurisdiction of the quarterly courts of Mason, Shelby and Spencer counties, in so far as the same applies to the county of Spencer."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to regulate the civil jurisdiction of the quarterly courts of Mason, Shelby and Spenceer counties," approved March 16, 1886, be so amended as to strike out the words "one hundred dollars," where they occur How amended.

in said section, and to insert in lieu thereof "fifty dollars."

§ 2. This act shall only apply to the county of Spencer.

§ 3. This act shall take effect from its passage.

Approved March 6, 1888.

CHAPTER 436.

AN ACT to amend an act to prevent the drifting of saw-logs down the Licking river below Salyersville, approved May 7, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act to prevent the drifting and floating of saw-logs down the Licking river below Salyersville, approved May 7, 1886, be, and the same is hereby, amended in this, that the provisions of said act to which this is an amendment be, and they are hereby, suspended from the approval of this act until the first day of May, 1889, and no fines shall be imposed or penalties inflicted for any violation of said act unless the violation thereof occurs after the said first day of May, 1889.

How amended.

§ 2. Any person drifting logs under the provisions of this act shall be responsible to any one damaged by said logs.

Damages.

§ 3. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 483.

AN ACT to amend article 7, chapter 28, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article 7 of chapter 28 of the General Statutes be amended as follows: If at any term of a

How amended.

circuit court the presiding judge thereof shall be absent, or if in attendance, can not properly preside in any cause for trial at such term, or if the bar shall decline or fail to elect a special judge or shall so request, it shall be lawful for any other circuit judge of this Commonwealth to attend and hold such term of the court, and while so engaged he shall have and exercise all the powers and authority of the regular judge of such court.

§ 2. Nothing in this act shall entitle a circuit judge Proviso. so holding court in another district to any compensation in addition to his annual salary.

§ 3. This act shall be in force from its passage.

Approved March 9, 1888.

CHAPTER 487.

AN ACT to amend article 4 of chapter 41 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article 4, chapter 41, of the General Statutes, be, and is hereby, amended so that justices of the peace, for each day's attendance as a member of the county court, shall receive three dollars per day, to be paid out of the county levy. Art. 4, chap. 41, General Statutes, amended.

§ 2. This act is only to apply to Morgan county.

§ 3. This act shall take effect from its passage.

Became a law March 13, 1888, by reason of the Governor not returning it to the House in which it originated, within the ten days prescribed by the Constitution.

GEO. M. ADAMS, *Secretary of State.*

CHAPTER 490.

AN ACT regulating actions for injury to real estate in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the owner of any land in this State may maintain the appropriate action to recover damages for any trespass or injury committed thereon, or to prevent or restrain any trespasses or other injury thereto or thereon, notwithstanding such owner may not have the actual possession of the land at the time of the commission of the trespass.

Possession not
necessary to ac-
tion of trespass.

§ 2. This act shall take effect and be in force from its passage.

Approved March 18, 1888.

CHAPTER 492.

AN ACT to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That within sixty days after the passage of this act, the Governor shall appoint five persons from among the pharmacists of the State, who have been recommended by the Kentucky Pharmaceutical Association, which recommendation shall include not less than ten of said pharmacists, who shall constitute the Kentucky Board of Pharmacy. It shall be the duty of each member of said board, before entering upon the discharge of his duties, to appear before an officer authorized to administer oaths in this State, and make oath to properly and faithfully discharge the duties of a member of the board.

Governor to ap-
point.

§ 2. One of said members shall hold office for one Term of office. year, one for two years, one for three years, one for four years, and one for five years; which term shall be determined by vote at the first meeting of said Board of Pharmacy. The members of the board shall meet at such time and place as may be designated by the member whose name is first on the list of appointments, and shall first proceed to determine by vote the respective terms for which they shall serve, and shall organize by electing a president, treasurer, and secretary, who shall hold their offices for the term of one year, or until their successors are elected and qualified. They shall receive such compensation as the board may fix. Thereafter the board shall meet at least twice in each year, and any three members of the board shall constitute a quorum. The board shall have power to make such by-laws as it may deem necessary, not inconsistent with the Constitution of this State or with the provisions of this act.

§ 3. The Kentucky Pharmaceutical Association shall, at each annual meeting, nominate four (4) Vacancy, how filled. registered pharmacists, from whom the Governor shall fill the vacancy annually occurring in said board, and the person so appointed shall qualify as provided in section 1, and hold his office for five years. In case of a vacancy occurring in the board from any other cause than expiration of time, the Governor shall fill the vacancy by appointment from the list of nominations last made. Removal from the State or permanent discontinuance of business shall be considered a vacation of this office.

§ 4. It shall be the duty of said board to examine Board to examine applicants. all applications for registration submitted in proper form, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to report annually to the Governor, and to the Kentucky State Pharmaceutical Association upon the condition of pharmacy in the

State, which report shall furnish a record of the proceedings of said board for the year, and also the names and residences of the pharmacists duly registered under this act.

§ 5. The following classes of persons shall be entitled to registration as pharmacists upon the terms and conditions hereinafter expressed.

Who entitled to
registration.

1. Any person who, at the time of the passage of this act, is carrying on the business of pharmacist on his own account, that is, retailing drugs, medicines and poisons, and dispensing and compounding prescriptions of medical practitioners, and who shall, within six months after the passage of this act, forward to said Board of Pharmacy his affidavit, accompanied by the affidavit of two disinterested persons who are certified by a county judge or justice of the peace of this State to be reputable citizens, that the applicant was so engaged in business on his own account in this State at the time of the passage of this act.

2. Any person who, at the time of his application, shall have had three years' experience as pharmacist, and who shall pass a satisfactory examination before the State Board of Pharmacy.

3. Any person who, at the time of the passage of this act, holds a certificate of registration as assistant pharmacist, or who has, for three consecutive years immediately preceding the passage of this act, been engaged as clerk in a retail drug store where prescriptions are compounded, may, with the consent of the Board of Pharmacy, and without examination, be registered as a pharmacist, and receive a certificate thereof.

Graduates.

4. Graduates of any school or college of pharmacy, duly incorporated by the General Assembly of Kentucky, which shall, in addition to a theoretical course of study, require at least three years' practical experience in the drug business as a requisite for graduation.

5. Any graduate of a regularly incorporated school of medicine, who is practicing and compounding medicines in this State, and who, at the time of the passage of this act, had been practicing and compounding medicines in this State for five years immediately preceding the passage of this act.

6. Any regular practitioner of medicine who is practicing and compounding medicines in this State, and who, at the time of the passage of this act, had been practicing and compounding medicines in this State for ten years immediately preceding the passage of this act. No person under eighteen years of age shall be entitled to registration under this act as a pharmacist.

§ 6. Every applicant for registration under this act shall make written application to the said Board of Pharmacy for such registration, accompanied by a written statement signed by the applicant in his own hand, and duly verified before an officer authorized to administer oaths in this State, fully setting forth the grounds upon which such application is made. The Board of Pharmacy shall have power to make such rules and regulations for the examination of applicants for registration and the granting of certificates, and the payment of license fees, as it may see proper, not inconsistent with the provisions of this act: *Provided*, That in cities and towns where the population is five thousand and over the fee shall not exceed six dollars, and where the population is from three thousand to five thousand it shall not exceed four dollars, and all under three thousand shall not exceed two dollars.

§ 7. Every application for registration shall be accompanied by the fee fixed by the board. The fee fixed by the board shall, as far as necessary, be devoted to defraying the expenses of the board, and paying its officers such compensation as the board may fix.

§ 8. It shall be unlawful for any person to retail, compound or dispense medicines or poisons for medical use, within this State, without first obtaining a certificate of registration as pharmacist from the State Board of Pharmacy, and causing the same to be recorded in the office of the clerk of the county court in the county wherein said person proposes to carry on such business.

Unlawful without certificate.

§ 9. Before any person who may have registered as a pharmacist, and obtained a certificate thereof, shall commence or continue the business of a pharmacist in any county of this Commonwealth, he shall lodge said certificate with the county clerk of the county wherein such business is carried on, or is to be carried on, which shall be recorded by said clerk in a book to be kept in his office for such purpose, and indorse his certificate of such recording on the said certificate of registration, and deliver the same to the owner thereof. Within the first ten days of the next ensuing January, and annually thereafter, the said pharmacist, if he continue in business, or intends to continue in business, shall go before the county court in the county in which he is doing business, or intends to do business, and apply for a renewal of his license, and upon producing his certificate of registration, he shall be entitled to a renewal certificate, under which he may conduct such business. For each record of certificate of registration the county clerk shall be entitled to a fee of fifty cents, and for each renewal thereof a fee of fifty cents, which shall be paid by the pharmacist receiving same. It shall be the duty of each county court clerk in this State to keep constantly at hand a correct list of the registered pharmacists in the county, whose certificates are recorded in his office, and of the renewals issued by him, and report same in writing to every grand jury impaneled at the regular term of the circuit court in his county, and during the month of February each year he shall make a full and correct list of the registered phar-

Certificate to be recorded.

macists in his county, and forward the same to the secretary of the State Board of Pharmacy. For each failure to perform his duties under this act such clerk shall, upon conviction, be fined fifty dollars by warrant in any court having jurisdiction thereof.

§ 10. Any person not being a registered pharmacist, Penalty. or who shall not have complied with all the provisions of this act, who shall take, exhibit, or use the title of pharmacist, or who proposes to or does compound or dispense prescriptions of medical practitioners, or retail medicines or poisons to be used as medicines, or shall in any way violate the provisions of this act, shall be subject to indictment for each offense, and, upon conviction, shall be fined, for the first offense, twenty-five dollars and the cost of prosecution, and upon indictment and conviction for a second offense under this act, shall be fined fifty dollars and the cost of prosecution, and for each subsequent violation he shall be fined one hundred dollars and the cost of prosecution.

§ 11. All prosecutions under this act shall be in the name of the Commonwealth of Kentucky, and all fines imposed and collected under such prosecutions, after payment of all costs and expenses of such prosecutions, including the usual commission to the prosecuting attorney, shall be paid over to the trustee of the jury fund in the county where such fines are imposed, and by him reported and paid to the Auditor of Public Accounts for the State, as other public moneys collected by him are by law required to be reported and paid over. And all such sums thus reported and paid over shall go into and become a part of the common fund of the State. Fines, how paid.

§ 12. Nothing in this act shall be construed to apply to the business of a licensed practitioner of medicine, nor to prevent such practitioner from supplying his patients with such articles as he may deem proper; but no licensed practitioner of medicine shall be entitled to carry on or conduct the practice or business of pharmacy in this State without obtaining registra- Not to apply to licensed practitioners.

tion as a pharmacist ; nor to those who sell medicine or poisons by wholesale only ; nor to the manufacture or sale of proprietary medicines. Nothing in this act shall be so construed as to prohibit the employment in any pharmacy of apprentices or assistants, for the purpose of being instructed in the practice of pharmacy ; but such apprentices or assistants shall not be permitted to prepare or dispense physicians' prescriptions, or to sell or furnish medicines or poisons, except in the presence of, and under the personal supervision of, a pharmacist registered and licensed under this act, nor to prevent any one not a registered pharmacist under this act from owning a pharmacy, provided the duties and business of pharmacy are in charge of and under the control of a registered pharmacist under this act.

§ 13. Nothing in this act shall be so construed so as to prohibit any person from selling the following articles, to-wit : Cream of tartar, spirits of camphor, soda, tincture of iron, sal soda, castor oil, salts, calomel, paris green, sweet oil, blue stone, ipecac, acids, spirits of turpentine, Peruvian bark and all its salts and preparations, aqua ammonia, essence peppermint, spirits of nitre, essence cinnamon, carbonate iron, copperas, tincture of iron, borax, glycerine, sulphur, paregoric, essence of ginger, syrup of ipecac, and syrup of squills.

Persons holding
certificates not
required, etc.

§ 14. Persons who, at the time of the passage of this act, hold certificates of registration as pharmacists or assistant pharmacists, shall not be required to register under this act, but shall file their certificates of registration with the county clerk for record, and take out renewals thereof as provided in section 2 of this act, and in all other respects shall be amenable to the provisions of this act.

§ 15. Nothing in this act shall be so construed as to apply to towns or cities of not less than one thousand inhabitants.

§ 16. An act, entitled "An act to regulate the sale of medicines and poisons," approved February 21, 1874,

and an act amendatory thereto, approved March 18th, 1876, and all acts or parts of acts, whether general or special or private, in conflict with this act, are hereby repealed.

§ 17. This act shall take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 505.

AN ACT to amend an act to establish a court of common pleas for the county of Christian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to establish a court of common pleas for the county of Christian, passed at the present session of this General Assembly, be, and the same is hereby, amended so that the said court shall have original and appellate jurisdiction of all civil cases concurrent with the circuit court for said county, and such jurisdiction is hereby conferred upon the said common pleas court. The clerk of the Christian circuit court shall, at the close of the March term, 1888, thereof, transfer to the docket of the said common pleas court all cases then pending in said circuit court, except such as shall then be on the equity docket of said court, and every case on the equity docket, which all parties thereto shall consent to have so transferred ; and thereafter the said common pleas court shall have jurisdiction to try and determine all such transferred cases, and of all proceedings therein, as of any and all cases which shall be commenced in said court or taken there on appeal. And it shall be competent for the parties to any case that shall be pending in either of said courts, by consent, to have the same transferred to the other.

Court of common pleas.

Christian county.

§ 2. The said court shall have only two regular

Terms. terms in each year, commencing on the first Monday in May and November, and each term shall be a term of twenty-four juridical days ; and the judge of said court shall have the power to extend any term of said court, if, in his opinion, the business of the court shall make it necessary so to do, and to call and hold special terms of said court for the trial of any cause or causes pending therein, or any proceeding therein.

Special Judges. § 3. Special judges may be elected or selected for said court in the same manner, and for the same reasons and purposes, as is provided by law applicable to circuit courts in this Commonwealth, which special judges shall be sworn, and shall be paid for their services as special judges in circuit courts.

Master Commissioner. § 4. The master commissioner of the Christian circuit court, and examiner appointed as provided by law, shall be *ex officio* officers of said court of common pleas. And it shall be the duty of the said master commissioner, and he shall have the power, to carry out and execute the judgments of said court, when ordered or directed so to do by the judgment or order of said court.

§ 5. This act shall take effect and be in force from and after its passage ; and so much of the act establishing the said court as is inconsistent with this act be, and the same is hereby, repealed.

Approved March 13, 1888.

CHAPTER 506.

AN ACT to regulate the time of holding the court of levy and claims in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Simpson county. § 1. The court of levy and claims for Simpson county shall be held on the third (3d) Monday in August of each year, continuing as many days as the business

may require; and all laws in conflict herewith are hereby repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved March 18, 1888.

CHAPTER 508.

AN ACT to repeal an act, entitled "An act to regulate and fix the time of holding the courts of justices of the peace in the Bowling Green district of Warren county," approved March 12, 1884, and to empower the county judge of Warren county to fix quarterly terms for said courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to regulate and fix the time of holding the courts of justices of the peace in the Bowling Green district of Warren county, approved March 12, 1884, be, and the same is hereby, repealed.

Bowling Green,
Warren county.

§ 2. That from and after the time this act shall go into effect the justices of the peace in the Bowling Green district of Warren county shall hold quarterly terms of court, the times of holding said quarterly terms of court to be fixed by the county judge of Warren county.

§ 3. This act shall take effect thirty days after its passage.

Approved March 18, 1888.

CHAPTER 510.

AN ACT to change the time of holding the court of claims in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the Owen county court of claims shall hereafter commence on the Tuesday following the fourth Monday in January and October.

Owen county
court.

§ 2. This act shall take effect from its passage.

Approved March 18, 1888.

CHAPTER 521.

AN ACT to regulate the price of record books in this Commonwealth
for which the State pays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following maximum scale of prices be
Price of record books regulated. fixed for payment by the Auditor upon any record books purchased by the county and circuit court clerks of this Commonwealth, viz: Blank record books, eight quires, best linen ledger paper to each book. All record books shall be made with full binding, Russia ends, bands, and fronts. The charge or price shall not exceed the following:

CAP.

Cap. For paper, ruling, paging, and binding on eighteen-pounds ledger paper, \$9.25; if printed, each book, extra, \$3.

DEMY.

Demy. For paper, ruling, paging, and binding on thirty-pounds ledger paper, \$11.75; if printed, extra, each book, \$3.

MEDIUM.

Medium. For paper, ruling, paging, and binding on forty-pounds ledger linen paper, \$13; if printed, each book, extra, \$3.

Where a greater number of quires are used in a book than before named, the following additional shall be allowed: Cap, extra, per quire, 25 cents; demy, extra, per quire, 50 cents; medium, extra, per quire, 75 cents.

When a fewer number of quires are used than eight to the book, the following deductions shall be made in same: Cap, deduct per quire, 25 cents; demy, deduct per quire, 50 cents; medium, per quire, 75 cents. In all cases eighty pages shall constitute a quire.

INDEX.

All separate indexes in full sheep binding, with ^{Index.} gold tab letters and other necessary printing, on best linen ledger paper, each \$4. Only the below named brands of paper shall be used in the manufacture of the aforesaid record books: "Weston's," "Crane's," "Old Berkshire" and "Brown's."

§ 2. No deed or mortgage book shall have the printed forms of such deeds or mortgages printed therein at the expense of the State, nor shall the Auditor of Public Accounts pay for such book.

§ 3. Before any claim for any record book for such circuit or county court clerk's office shall be allowed by the court, the clerk presenting such claim shall make oath to the fact that such record book is necessary for the use of his office.

§ 4. All record books necessary for the use of such county and circuit court clerk's office, not directly specified in this act, are to be paid for at the same prices allowed by the State to the Public Printer and Binder for similar work. The Auditor of Public Accounts is hereby directed and required to be governed by this act in the payment for the aforesaid record books out of the public Treasury, nor shall he pay for any book more than the prices herein fixed. The provisions of this act shall also embrace record books furnished to judges of quarterly courts.

§ 5. This act to be in force and take effect from and after its passage.

Approved March 15, 1888.

CHAPTER 523.

AN ACT to change and fix the time of holding the circuit courts in the various counties composing the sixth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts of the counties composing the sixth judicial district be held as follows, viz:

Circuit courts,
6th judicial dis-
trict, regulated.

Meade county—Third Mondays in August and February, and continue for twelve juridical days each.

Edmonson county—Second Mondays in September and March, and continue for twelve juridical days each.

Grayson county—Fourth Mondays in September and March, and continue for eighteen juridical days each.

Breckinridge county—Third Mondays in October and April, and continue for eighteen juridical days each.

Hardin county—Second Mondays in November and May, and continue for thirty-six juridical days each.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed, including an act establishing an equity February term of said court in Hardin court, approved February, 1882.

§ 3. All summonses, subpoenas, recognizances, bonds, or other processes that have been taken, issued, or made in Edmonson circuit court, or by the clerk thereof, returnable to the July term, 1888, thereof, shall be returned to the September term, 1888, of said court, and have the same force and effect as if originally made returnable to said September term.

§ 4. This act shall take effect and be in force on and after June 1, 1888.

Approved March 15, 1888.

CHAPTER 528.

AN ACT to regulate and fix the time of holding the courts of justice of the peace in the third justices' district of Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of George S. Morrison, a justice of the peace in said third district of the county of Hancock, shall be held and have its sessions on the fourth Saturday in each month of the year, instead of quarterly as heretofore, and the court of Robert Lamb, the remaining justice of the peace in said district, shall be held and have its sessions on the third Thurs-

Justices' courts
in Hancock
county regulat-
ed.

day in each month of the year instead of quarterly as heretofore.

§ 2. This act shall apply to the successors in office of the aforesaid justices of the peace.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 15, 1888.

CHAPTER 529.

AN ACT to authorize the county judge to change the time of holding quarterly courts in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Logan county is Logan county. authorized to change the time of holding the quarterly courts in Logan county, and may fix any day in the months of March, June, September and December for the commencement of the quarterly courts in said county, and note the same on his order book.

§ 2. This act to take effect from its passage.

Approved March 15, 1888.

CHAPTER 534.

AN ACT to repeal an act, entitled "An act to provide for holding two additional terms of the Christian circuit court."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to provide for holding two additional terms of the Christian circuit court," approved March 8, 1886, be, and the same is hereby, repealed. Act of March 8, 1886, repealed.

§ 2. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 535.

AN ACT to amend section 4 of chapter 110 of the General Statutes, and to apply to Harrison county only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the words, their accustomed, where they occur in sixth line of fourth section of said act, be, and they are hereby, stricken out; and after the word from, in fifth line, be inserted the word any; and after the words place of, in sixth line, be inserted religious; and after the word worship, in sixth line, be inserted or going to or returning from funerals.

Section 4, chapter 110, General Statutes, amended.

§ 2. This act shall be in force from and after its passage, and shall apply only to the county of Harrison.

Approved March 15, 1888.

CHAPTER 537.

AN ACT to repeal an act, entitled "An act to change the time of holding the court of claims of Elliott county," which was approved March 31, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to change the time of holding the court of claims of Elliott county," which was approved March 31, 1886, be, and the same is hereby, repealed.

§ 2. That this act be in force from its passage.

Approved March 15, 1888.

CHAPTER 555.

AN ACT to change the time of holding the levy court of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the ~~levy~~ court of Pulaski county, composed of the county judge and a majority of the justices of the peace of said county, shall convene on the third Monday of September of each year, instead of October, as now provided by law, ^{Time fixed for levy court, Pulaski county.} for the purpose of laying the county levy, allowing the claims of county creditors, and performing such other duties as now provided by law, and adjourn from day to day till the business of said court is completed.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 556.

AN ACT to repeal so much of section 7, chapter 81, of the General Statutes, as makes the office of surveyor and deputy clerk incompatible, so far as it applies to Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 7, chapter 81, of the General Statutes, so far as it makes the office of surveyor and deputy clerk incompatible, be, and the same is hereby, ^{Sec. 7, chap. 81, General Statutes, repealed as to Trigg county.} repealed. This act shall only apply to Trigg county.

§ 2. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 592.

AN ACT to authorize the Secretary of State to furnish the county of Wolfe with reports of the Court of Appeals and other books.

Preamble.

WHEREAS, On the 26th day of December, 1886, the court-house, clerks' offices, and the books, papers, and records of said county, were destroyed by fire, and the citizens of said county are put to a great expense to get their titles and records re-recorded and rebuilding court-house and clerks' offices; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Secretary of
State to furnish.

§ 1. That the Secretary of State be, and he is hereby, authorized to furnish to circuit court clerks, county court clerks, and county judges offices, of the county of Wolfe, a full set of reports of the Court of Appeals of Kentucky; also one copy latest revised General Statutes and Code of Practice, and the Session Acts of the Legislature, to each of said offices, for the use of the various courts of said county, and to certify the number of copies of reports, statutes, and Codes of Practice furnished said county to the Auditor of State and the cost price of each volume.

Auditor to draw
warrant.

§ 2. The Auditor of State is authorized and directed to draw his warrant upon the Treasurer of Kentucky for the amount so certified to pay for same, provided not more than five dollars per volume shall be paid for the reports of the decisions of the Court of Appeals.

§ 3 This act to take effect from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 604.

AN ACT declaring Otter creek, in Wayne county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stream known as Otter creek, in Wayne county, be, and the same is hereby, declared a navigable stream for all intents and purposes. Otter creek navigable.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor March 22, 1888.]

CHAPTER 607.

AN ACT declaring the Meat House Fork of Wolf creek, in Martin county, a navigable stream from its mouth to Lee Robinson's mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Meat House Fork of Wolf creek, in Martin county, be, and the same is hereby, declared a navigable stream from its mouth to Lee Robinson's mill on said creek. Meat House Fork of Wolf creek navigable.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 22, 1888.]

CHAPTER 608.

AN ACT to amend an act, entitled "An act to establish a State Board of Pharmacy, defining its duties and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky," approved March 13, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 15 of an act, entitled "An act to establish a State Board of Pharmacy, defining its duties Act creating State Board of Pharmacy amended.

and powers, and to regulate the practice of pharmacy in the Commonwealth of Kentucky," approved March 13, 1888, be, and the same is hereby, amended by striking out the word "not" between the words "of" and "less," in the second line thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 23, 1888.

CHAPTER 610.

AN ACT relating to the reports of the decisions of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Secretary of State shall hereafter sell the reports of the decisions of the Court of Appeals without limitation or restriction as to number of copies or volumes, and any person may purchase from him as many such copies or volumes as may be desired.

Secretary of
State to sell cop-
ies of reports.

§ 2. Whenever the original edition of any volume of said reports is exhausted, the Secretary of State shall, from time to time, as the same may be needed, have new editions thereof printed from the stereotype plates owned by the Commonwealth; but such new editions shall not be less than two hundred and fifty nor more than five hundred copies in number, and shall be marked so as to show the number of the edition. Such new edition shall be made and furnished by the Public Printer and Binder at a price not exceeding one dollar and fifty cents per copy or volume, and shall be equal in quality to the original editions as to paper, binding, press work, and in all other respects. In selling copies of any such new editions the Secretary of State shall add to the cost price of the same twenty per centum thereof, and no more.

§ 3. All acts and parts of acts are, so far as they conflict with the provisions of this act, repealed; and this act shall be in force from its passage.

Approved March 28, 1888.

CHAPTER 632.

AN ACT to amend section 6 of chapter 70 of the General Statutes, but to apply to Madison county only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of chapter 70 of the General Statutes be amended by striking out the words "sixty days" in the second line of said section, and insert in place thereof the words "six months;" but, provided, however, that the provisions of this act shall only apply to the county of Madison.

Sec. 6, chap. 70, General Statutes, amended.

§ 2. This act to take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 633.

AN ACT to amend sections 1 and 2 of chapter 93 of the General Statutes.
(Rewards.)

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of chapter 93 of the General Statutes be amended by striking out all of that part of said section after the word "jurisdiction," in the sixth line of said section, and adding in lieu thereof the following: "Or shall deliver said person so arrested to a court having jurisdiction of said charge, and if the court, or any one to which the person arrested shall be sent for trial, shall permit said person to give bond with security for his future appearance in court, and

Sections 1 and 2, chapter 93, General Statutes, amended.

said bond shall be forfeited and collected, the person so securing the conviction or delivery shall be entitled to a reward of fifty dollars therefor."

§ 2. That the second section of said chapter be amended by adding after the word "conviction," in the second line thereof, the words "or delivery;" and after the word "convicted," in the fourth line of said section, "or bond forfeited;" and after the word "conviction," in the seventh line of said section, the words "or delivery;" and after the word "conviction," in the fifteenth line of said section, the words "or forfeiture."

§ 3. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 639.

AN ACT to prevent diseased hogs from running at large upon the public highways of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Hog cholera.

§ 1. That it shall be unlawful for a person to suffer or permit his hogs, diseased with hog cholera, knowing the same to be so diseased, to run at large upon the public highways of this Commonwealth.

Penalty.

§ 2. Whoever shall violate the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars.

§ 3. Any person violating the provisions of the first section of this act, shall be liable for all damages done to any person by reason of such violation.

§ 4. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 650.

AN ACT to amend an act, entitled "An act to better protect turnpike roads in which the State is interested."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to better protect turnpike roads in which the State is interested," approved May 15, 1886, be, and the same is hereby, amended, so that the same shall not apply to the Nicholasville, Danville and Lancaster Turnpike Company.

§ 2. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 655.

AN ACT to declare the Middle Fork of the Licking river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Middle Fork of the Licking river and the tributaries thereof are hereby declared navigable streams from a point near H. G. Arnett's as far up said streams as loose logs can be floated.

§ 2. This act shall be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 658.

AN ACT to amend chapter 24, General Statutes, entitled Conveyances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. No lease of oil, gas, coal, or mineral rights and privileges, for a longer term than five years, where

Chap. 94, General Statutes, amended.

rental is to be paid by royalty of product or specified amount of money on area as operated, shall be valid against a purchaser for valuable consideration, not having had notice thereof, or any creditor or person acquiring title subsequent to lease, by gift, inheritance, or decision of court, unless the same be acknowledged by the party granting such lease, in manner prescribed by law for acknowledgment of deeds, and lodged for record in the clerk's office of the county court in county where all or most of premise leased is located, within sixty days from the date of instrument.

§ 2. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 666.

AN ACT to change the time of holding the Bourbon county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the quarterly courts be commenced on the Time of holding quarterly courts. fourth Thursdays in March, June and September, and the third Thursday in December in each year, and continue from day to day until the business is disposed of.

§ 2. That this act shall take effect on the first Monday in April, 1888.

Approved March 24, 1888.

CHAPTER 667.

AN ACT to amend section 181 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 131 of the Civil Code of Practice Section 131, Civil Code, amended. be amended by adding thereto the following words,

to wit: "In an action on a contract alleged to have been made by several defendants, in the event the evidence shall show the contract to have been made with less than all those defendants by whom it is alleged to have been made, this shall not be deemed either a variance or failure of proof, but judgment may be rendered against the party or parties shown to be bound, and in favor of those shown not to be bound."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 669.

AN ACT to amend section 757 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following words be, and they are hereby, added to section 757 of the Civil Code of Practice, viz: "But when a party recovers judgment for only part of the demand or property he sues for, the enforcement of such judgment shall not prevent him from prosecuting an appeal therefrom as to so much of the demand or property sued for that he did not recover."

Section 757, Civil Code, amended.

§ 2. This act shall be in force from its passage.

Approved March 24, 1888.

CHAPTER 676.

AN ACT concerning the payment of guards employed in removing prisoners from one county to another.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever any prisoner or prisoners shall be removed from the jail of one county to that of any

Guards, payment of.

other county, under the provisions of chapter 61 of the General Statutes, title "Jail and Jailers" the expense of making said removal shall be borne by the county from which such prisoner may be so removed.

§ 2. All acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 696.

AN ACT to amend section 27 of article 6 of chapter 62 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 27 of article 6 of chapter 62 of the General Statutes be, and the same is hereby, amended so as to read as follows: The county judge or the county attorney, if the attorney for the Commonwealth be absent, shall examine the reports of the circuit or county clerks, and settlement of the trustee of the jury fund, provided for in the two preceding sections and in section 10 of this article, and if found correct, shall approve the same. The reports and settlements must each be signed and sworn to by the party making the same.

Section 27, article 6, chapter 62, General Statutes, amended.

§ 2. This act shall apply only to the counties embraced within the twelfth judicial district.

§ 3. This act shall be in force from its passage.

Approved March 26, 1888.

CHAPTER 706.

AN ACT to amend section 2 of chapter 55 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of chapter 55 of the General

Statutes be amended as follows: "If any cattle shall enter into any grounds owned or occupied by another, inclosed by an ordinary fence, the owner or manager of the cattle shall, for the first breach, be liable to the owner or occupant of such grounds for such damages as he may have sustained thereby; and for any subsequent breach or breaches of cattle a like liability; and if the occupant of said inclosed lands shall have given the owner or manager of said cattle five days' notice prior to any subsequent breach, any and all judgments recovered by the owner or occupant of said lands against the owner or manager of the cattle for breaches committed subsequent to the said notice, the cattle committing the breach shall be liable for the amount of said judgment or judgments, and may be taken and sold by the sheriff of the county, or by any other officer having jurisdiction, as other property under execution, for enough to pay and satisfy any and all judgments recovered against the owner or manager of said cattle for all breaches subsequent to giving said notice."

Section 2, chapter 55, General Statutes, amended.

§ 2. This act repeals all acts or parts of acts in conflict herewith.

§ 3. This act shall be in force from its passage, and shall apply only to the county of Anderson, and shall not apply to cattle owned by citizens of any adjoining counties.

Approved March 26, 1888.

CHAPTER 707.

AN ACT to amend an act, entitled "An act to secure the payment into the treasury of all fines, taxes and license fees collected by trustees of the jury fund, clerks and other officers," approved February 28, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to secure the

Reports as to
fines, etc., re-
quired

payment into the treasury of all fines, ~~taxes~~ and license fees collected by trustees of the jury fund, clerks, and other officers," approved February 23, 1874, be, and the same is hereby, so amended as to require all justices of the peace, constables and police judges, in making the reports required of them by said act, to make such reports in writing, giving the style of each case, with the amount of fine assessed and money in their hands going to the Commonwealth; the report shall show from what source it came, and said reports shall be filed with the clerk of the circuit court for the guidance of the trustee of the jury fund.

Penalty.

§ 2. Any officer willfully failing to make out his report as required by section 1 of this act, shall be guilty of "misdemeanor," and fined not less than ten nor more than fifty dollars.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 711.

AN ACT to amend section 1, article 6, chapter 41, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1, arti-
cle 6, chapter 41,
General Statutes,
amended.

§ 1. That after the words "confined for," and before the word "breach," there be inserted the following: "A violation of a General Statute prosecuted in the name of the Commonwealth for the use and benefit of a city or town, or."

§ 2. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 712.

AN ACT to amend article 17 of chapter 29 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That article 17 of chapter 29 of the General Stat-
utes be, and the same is, amended by adding thereto,
and making part thereof, the following, as section 26 : Art. 17, chap. 29,
General Statutes,
amended.

§ 26. No person or persons, or corporation shall sell, supply, or offer for sale or exchange, any oleaginous substance, or any compound of the same, as butter, other than that produced from unadulterated milk or cream of the same, or any substance as lard, other than that produced from the fat produced from healthy, sound hogs, unless the same, and the packages, casks, or vessels containing the same, shall be marked so as to plainly show to the purchaser and establish the true character thereof and distinguish it from the genuine butter or lard. And any person or corporation violating any of the provisions of this section shall be fined not less than twenty nor more than one thousand dollars.

§ 2. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 756.

AN ACT to regulate the civil jurisdiction of the quarterly court of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The quarterly court of Harrison county shall have original jurisdiction in all civil actions for the recovery of money or personal property, where the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars in value. Jurisdiction
quarterly court,
Harrison county,
regulated.

§ 2. Process issued by the judge of the said quarterly court shall be returnable before him in all cases instituted in the said court where the amount in controversy, exclusive of interest and costs, amounts to fifty dollars or more.

§ 3. All acts and parts of acts in conflict with the provisions of this act are repealed; and this act shall take effect from and after its passage.

Approved March 28, 1888.

CHAPTER 777.

AN ACT to regulate and to fix the time of holding the court of claims in Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims in Rowan county shall be held on the first Monday in January and July of each year; but said court may, at any term, by an order entered on its records, adjourn from day to day, for the transaction or completion of any business it may deem necessary.

Time fixed for
court of claims of
Rowan county.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved March 29, 1888.

CHAPTER 778.

AN ACT to regulate and fix the term and time of holding the circuit courts in the eighth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding and the term of the various circuit courts in and for the eighth judicial

district in this State are fixed as follows, to wit:
 County of Garrard, first Monday in February and third Monday in August, and continue two weeks each; Time fixed for courts in eighth judicial district.
 county of Boyle, third Monday in February and continue three weeks, and third Monday in September and continue two weeks; county of Rockcastle, first Monday in September and second Monday in March, and continue two weeks each; county of Lincoln, fourth Monday in March and continue three weeks, and third Monday in October and continue three weeks; county of Pulaski, first Monday in October and third Monday in April, and continue two weeks each; county of Wayne, first Monday in May and second Monday in November, and continue two weeks each; county of Russell, third Monday in May and fourth Monday in November, and continue two weeks each; county of Casey, first Monday in June and second Monday in December, and continue two weeks each.

§ 2. This act to take effect from and after the first day of April, 1888.

Approved March 29, 1888.

CHAPTER 782.

AN ACT to establish a common pleas court in the counties of Laurel, Whitley, Knox, Bell, Harlan, Perry, and Leslie.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a court of justice, to be known as the court of common pleas, is hereby established in the counties of Laurel, Whitley, Knox, Bell, Harlan, Perry, and Leslie. Court established.

§ 2. The first election for judge of said court shall take place on the first Monday in May, 1888, and afterwards on the first Monday in August, 1892, and every

six years thereafter; and said elections shall be conducted as are elections for judges of circuit courts. The judge elected shall enter upon the duties of his office as soon as he receives his commission and qualifies thereunder; and it is hereby made the duty of the sheriffs of the respective counties in said district to advertise, as required by law, and open a poll on said first Monday in May, 1888, at the several voting precincts in said district, and cause said election to be held; and all laws in reference to holding elections, comparing polls, and certifying same as to the office of circuit judge, are hereby made applicable to the holding of the election of common pleas judge in said district.

Qualification.

§ 3. The judge of said court shall possess the same qualification and receive the same salary, payable in the same manner, as judges of the circuit courts.

§ 4. All the provisions of sections 1 and 2 of article 8, chapter 28, General Statutes, are hereby re-enacted and made applicable to the court established by this act and the judge thereof, in the same manner as the same are made applicable to the courts provided for in said sections.

Powers and jurisdiction.

§ 5. The said judge of said court of common pleas commissioned, shall be a conservator of the peace, subject to impeachment and removal from office, in the same manner as are judges of the circuit court, and for like causes, and shall be clothed with the same powers out of court as are conferred by law upon circuit judges; may appoint examiners in any county within his jurisdiction, and grant license to practice law in the same manner as circuit courts. The same practice shall obtain and the same fees be charged as in circuit courts; and the court for each county shall have a seal bearing its name and the device and motto of the Commonwealth. The said court of common pleas shall have original jurisdiction of all civil matters, by action at law, in equity, motion or otherwise, and in all other matters and things of

which the circuit courts of the Commonwealth have jurisdiction, except that said court shall not have any criminal or penal jurisdiction; said court shall have the same appellate jurisdiction that the circuit courts of this Commonwealth have in civil actions; and traverses of writ of forcible entry and detainer, and bonds to suspend the sale of property under execution or attachment, or distress warrant or attachment for rent, shall be taken to, and tried in, said court, in the ~~same manner~~ as they are now tried and disposed of in circuit courts. The sheriffs, jailers, marshals, coroners and constables of ~~the~~ several counties composing said district shall perform all the duties, in all actions and proceedings in said court, which by law they would be required to perform in the circuit courts of this Commonwealth; and the circuit court clerk of each county in said district shall be the clerk of said court, and shall perform for their respective counties the clerical duties of said court, and be entitled to the same fees as they are allowed by law for similar services in circuit courts, collectable in like manner. They shall be responsible on their official bonds for the faithful discharge of their duties in the same manner and to the same extent as for acts done and omitted to be done in the circuit courts, and certificates of the record of said court shall have the same force and effect as is given by law to certificates of the records of the circuit court of said district; and the record of said court of common pleas shall have the same force and effect, and shall be evidence in all the courts of this Commonwealth in the same manner, and to the same extent, as records of the circuit courts. The laws regulating the same, selecting and impaneling petit juries in the circuit courts of this Commonwealth shall regulate the same by selecting and impaneling juries in said court of common pleas. The Civil Code of Practice shall regulate and govern all actions and proceedings in the court of common pleas in the same manner and to the same

Duties of sheriffs, jailers, clerks, etc.

extent as circuit courts ; and in all actions concerning title to real estate, order of survey may be made and executed, and paid for in the same manner as in the circuit courts.

Master commis- § 6. All the laws of this State in relation to the sioners. appointment of master commissioner by circuit courts, and their duties and responsibilities, are hereby made applicable to the court created by this act.

§ 7. The said court shall have power to allow and certify to the Auditor all claims against the Treasury of the State connected with said court.

§ 8. All the provisions of chapter 12, General Statutes, and the amendments thereto, in regard to changes of venue, are hereby made applicable to said court.

Vacancy. § 9. A vacancy in the office of judge of said court shall be filled as a vacancy in the office of judge of the circuit court is now directed by law to be filled.

Special judge. § 10. In case the judge of said court is absent, or if present cannot properly preside, an election of a special judge shall be held in the manner prescribed by law for the election of special judges of the circuit court, and the law in relation to the election, qualification and compensation of special judges of the circuit court is hereby made to apply to this court, and to special judges elected therein.

Terms. § 11. The regular terms of said court shall be held as follows : In the county of Laurel, the first Monday in January and July ; in the county of Whitley, the third Monday of January and July ; in the county of Knox, the first Monday in May and October ; in the county of Bell, the third Monday in April and October ; in the county of Harlan, the second Monday in December and June ; in the county of Perry, the first Monday in November and March ; in the county of Leslie, the third Monday in November and March ; and each term shall continue as many juridical days as the business may require, so as not to conflict with any other regular term of said court. Said court shall

have power to hold special terms in each of said counties for the trial of common law and equity causes, to be called in the manner provided by law relative to special terms of circuit courts, and it shall be the duty of the judge of said court to hold such special terms whenever the business of the court may require it.

§ 12. It shall be the duty of the circuit court, in each county named in this act, at the first court after the passage of this act holden in said county, to make orders transferring to said common pleas court all cases at common law and in equity on the docket of said court, and the causes so transferred shall be entered upon the docket of said court of common pleas, and tried as if brought originally therein; and in any county in which said court of common pleas may hold a term before the regular term of the circuit court next after the passage of this act, it shall be the duty of the clerk of such circuit to place on the docket of the common pleas court all cases then pending at law or in equity on said circuit court docket; and the judge of the common pleas court shall take jurisdiction of and hear and try said causes, the same as if originally brought therein, or as if they have been regularly transferred by order of the circuit court as provided for in this act. Duty of court.

§ 13. That all laws giving the circuit court original or appellate jurisdiction of cases at law or in equity in said courts of Laurel, Whitley, Knox, Bell, Harlan, Perry, and Leslie, are hereby repealed.

§ 14. This act shall take effect from its passage.

[Became a law without approval of Governor March 30, 1888.]

CHAPTER 797.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Revenue laws
amended.

§ 1. That section 2 of article 5 of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886, be, and the same is hereby, amended by adding to said section the following: "Any tavern-keeper, merchant, coffee-house keeper or other person, who shall sell at retail spirituous, vinous or malt liquors without having obtained a license therefor, shall, on conviction, pay a fine of not less than twenty nor more than one hundred dollars."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1888.

CHAPTER 800.

AN ACT to amend chapter 51 of General Statutes, title "Holidays."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Chap. 51, Gen.
Stats., amended.

§ 1. That chapter 51, sections 1 and 2, entitled "Holidays," of the General Statutes, be, and the same is hereby, so amended as to insert the words "the 30th day of May" just before the words the "4th day of July," at the beginning of the first section of said act; and said 30th days of May of each and every year thereafter are hereby declared holidays for the same purposes, and with the same limitations, condition and effect, as the other days named in said act.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 2, 1888.]

CHAPTER 810.

AN ACT to regulate and fix the time of holding the court of claims in Marshall county, and to regulate the collection of the county levy in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter there shall be two terms of the Terms of court of claims. court of claims held in Marshall county in each year, and said terms of said court of claims shall commence and be held on the second Mondays in January and July of each year, and continue from day to day until the business of said court of claims is disposed of; and the county court clerk of said county shall perform the same duties at each of said terms of said court of claims as is now required by law.

§ 2. That all claims against said county, which shall be allowed and ordered to be paid at the January term of said court, shall be due and payable on and by the first Monday in May following; and those allowed at the July term of said court shall be due on the first Monday in September of each year thereafter.

§ 3. If the sheriff or collector of the county levy for said county shall fail to pay any claim or any part thereof, when the same shall fall due, after demand made of him by any claimant, his agent, or attorney, the claimant or county creditor shall have the right to proceed against said sheriff or collector, either by motion in the county court or action in the circuit court, as is now provided by law, and recover thereof the amount due him and ten per cent. damages thereon.

§ 4. That the general law applicable to the collection of county levy shall remain as now provided by law, so far as said county is concerned, except as provided in this act.

§ 5. That the sheriff, at the time the county levy is Bond required. laid, or at any time before he proceeds to collect said

county levy, shall execute a county levy bond, as is now required by law, and the sureties thereon shall be bound thereon for whatever amount that may come into his hands as collector of the county levy and public dues of said county.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1888.

CHAPTER 814.

AN ACT to amend section 4, chapter 110, title "Turnpike, Gravel and Plank Roads," General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 of chapter 110, title "Turnpike, Gravel and Plank Roads," of General Statutes, be amended by adding after the word "worship," in sixth line, the following words: "or to persons who are going to or from funerals, or to persons who are going to or from their mill on horseback with a single bag of corn, wheat, meal or flour."

Sec. 4, chap. 110,
General Stats.,
amended.

§ 2. This act shall take effect from its passage.

Approved March 31, 1888.

CHAPTER 816.

AN ACT to amend section 11, article 12, chapter 33, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 11, article 12, chapter 33, of the General Statutes, be amended as follows: By striking out the word "fifty," in third line of said section, and insert in lieu thereof the word "ten."

Sec. 11, art. 12,
chap. 33, Gen.
Stats., amended.

§ 2. This act shall be in force from its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 818.

AN ACT to repeal sections 2, 3 and 4 of an act approved March 20, 1876, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," and all acts or parts of acts amendatory thereof, so far as they apply to the county of Allen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections 2, 3 and 4 of the act approved March 20, 1876, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," and all acts or parts of acts amendatory thereof, be, and the same are hereby, repealed, so far as they apply to the county of Allen. Repealed as to Allen county.

§ 2. Provided, that any person or persons who shall place, in any of the streams or waters of Allen county, any dynamite or other explosive agent, with intent thereby to injure, kill or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding fifty dollars for each offense; and on failure to pay the fine imposed and the cost of prosecution, shall be confined at hard labor in the jail of the county for a length of time not exceeding one day for every two dollars of said fine and costs. Any justice of the peace of the county wherein the offense is committed shall have jurisdiction to try and punish such offenses, proceeding by warrant as in other penal cases.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 844.

AN ACT declaring Cypress creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Cypress creek be, and the same is hereby, declared a navigable stream from its mouth to the bridge across said creek on the public road leading from Greenville to Sacramento, in Muhlenberg county, including the little and big cypress lakes through which said creek runs. That persons owning lands or floating timber, saw-logs, lumber, staves or other products, shall have the power and authority to clean out said creek and two lakes above mentioned, so as to enable them to get their timber, saw-logs, lumber, staves or other products to market. But in clearing said stream of its drifts and fallen timbers that may be in said creek, no person or persons shall be permitted, in any way, to injure the lands, water-gates or fences of any of the lands on said creek. Should person be guilty of obstructing said creek after the same has been cleaned, he shall, upon conviction, be fined for each offense not less than ten nor more than one hundred dollars, and each offense shall be deemed a separate offense, and recoverable in any court having competent jurisdiction in the name of the Commonwealth of Kentucky.

Cypress creek
declared navigable.

§ 2. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 847.

AN ACT to amend section 238 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 238 of the Civil Code of Practice be, and the same is hereby, amended by inserting the

Sec. 238 Civil
Code amended.

words "or the clerk thereof" in the third line of said section, after the word "pending" and before the word "or."

§ 2. This act shall be in effect from its passage.

Approved April 5, 1888.

CHAPTER 854.

AN ACT to change the times of holding circuit courts in the counties of Muhlenberg and Trigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the time of holding the circuit court of Muhlenberg county be changed from the second Mondays in February and August to the fourth Mondays in April and October of each year, and continue eighteen juridical days, if the business require it.

Terms of Circuit Courts in Muhlenberg and Trigg.

§ 2. That the time of holding the circuit court of Trigg county be changed from the fourth Mondays in April and October to the second Mondays in February and August of each year, and continue eighteen juridical days, if the business require it.

§ 3. That all persons who are now or may be summoned, recognized, or under bond to appear at or in either of said courts as the terms thereof are now fixed by law, shall be bound to appear therein at the first regular term thereof as fixed by this act, and for a failure to do so, they shall be subject to the same penalty as if they had been summoned, recognized, or given bond to appear at that time ; and it shall be the duty of the clerk of each of said courts, so soon as he shall be informed of the passage of this act, to issue process, and make out his docket in accordance herewith.

§ 4. This act shall take effect and be in force from and after June 1, 1888.

Approved April 5, 1888.

CHAPTER 868.

AN ACT to extend the court of common pleas in the first judicial district to the county of Marshall, and to include said county, and to regulate the jurisdiction of said court in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Court Common Pleas in Marshall county. § 1. That the court of common pleas of the first judicial district be extended to, and so as to include, the county of Marshall in said district, and the present judge thereof and his successors shall preside therein and hold said court for said county.

Jurisdiction. § 2. That said court of common pleas shall have jurisdiction in said county of all common law and equity causes.

Terms. § 3. There shall be two terms of the court of common pleas, exclusive of the circuit court, in each year in said county, for the trial of common law and equity causes, which shall commence on the second Monday in March and September of each year, and continue at each term twelve judicial days, if the business of the court requires it. The first term of said court for said county shall commence on the second Monday in September, 1888, and the second term on the second Monday in March, 1889.

Duty of clerk. § 4. It shall be the duty of the clerk of the Marshall circuit court to transfer from the circuit court of said county to the said court of common pleas all common law and equity causes on file in said circuit court, except the cases in said court wherein judgment have been rendered, or an appeal taken, or motion entered, or petition filed for a new trial, or to vacate or modify a judgment, or cases consolidated with the cases herein excepted; and all common law and equity actions brought in said county after this act takes effect shall be brought to and filed in said court of common pleas.

§ 5. This act shall take effect and be in force from and after the first day of July, 1888.

Approved April 5, 1888.

CHAPTER 875.

AN ACT to amend an act, entitled "An act to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 1335, entitled "An act to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners," approved May 10, 1884, be, and the same is hereby, amended as follows: Act of May 10, 1884, amended.

§ 2. Section 3 of said act is hereby amended so as to read as follows: Said inspector shall have power to visit and inspect any mine to which this act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering and general security; and if, upon inspection, he finds that such ventilation, drainage or timbering as the health or safety of the persons employed in the mine would require has not been provided, or should he find the mine insecure in any part, or should he find that sufficient and safe means of ingress and egress have not been provided, said inspector shall at once notify the agent, superintendent or owner of the mine as to the unsafe or unwholesome condition of such mine, and require him to put the mine in a safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the inspector to render such mine safe, and to provide such ventilation as is sought to be secured by this act, and to provide safe and suitable means of ingress and egress, within sixty (60) days from the date of the inspection, the agent or superintendent and owner so delinquent, shall be liable to a fine of fifty (\$50) dollars a day for every day that such mine shall be suffered to remain in such unsafe or unhealthful condition after the expiration of the sixty Duty of inspector.

(60) days above provided, in which the required improvements should be made, which fine may be collected by indictment by the grand jury of the county in which such mine is situate. But in cases in which the inspector is satisfied, from personal investigation, that, even if due diligence is observed, the required improvements can not be completed within the sixty (60) days above provided, he shall have authority to extend the time for not more than sixty (60) days longer ; but when the time is thus extended the agent, superintendent or owner who is delinquent after the expiration of the additional time, shall be subject to indictment and fine as above provided.

Reports of in-
spector.

§ 3. Section 5 of said act is hereby amended by adding thereto the following words: The inspector shall also report the number of persons employed in and about the mines, and the amount of coal mined ; and for the purpose of enabling him to make such report as is required by this section the owner, lessee, agent, or superintendent of every mine to which this act applies, is hereby required to give accurate information, on blanks to be furnished by the inspector, as to all accidents occurring in and about the mines, the number of persons employed, and the amount of coal mined ; and the owner, lessee, agent or superintendent refusing to furnish the inspector such information, shall be liable to a fine of fifty dollars, to be collected by indictment by the grand jury of the county in which the mine concerning which such information is refused is situate. The inspector is authorized to extend his observations so as to be prepared to report upon the general mining possibilities and mineral resources of the counties to which he is called in the prosecution of his duties as inspector. One thousand copies of the inspector's annual report shall be printed for general distribution.

§ 4. Section 9 of said act is hereby amended by adding thereto the following words: In case of refusal of

the owner, agent, or superintendent to make, or cause Penalty. to be made, such map and additions thereto for sixty days after notice from the inspector, said owner, agent, or superintendent so refusing shall be liable to a fine of five dollars a day for each day elapsing until such map is made, said fine to be collected by indictment by the grand jury of the county in which the mine to be mapped is situate.

§ 5. Section 11 of said act is hereby amended so as to read as follows: The owner, agent, or lessee of Duty foperato every coal mine, whether slope, shaft, or drift, to which this act applies, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet of air per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break-through or air-way; and all break-throughs or air-ways, except those last made near the working face of the mine, shall be closed up and made air-tight by brattice, trap-doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the excavations where the persons employed in the mine are at work; and all mines governed by this statute shall be provided with artificial means of producing ventilation, such as suction or forcing fans, exhaust steam, furnaces, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air. All mines generating fire-damp shall be kept free from standing gas, and every working place shall be carefully examined every morning with a safety lamp by a competent person or persons before any of the workmen are allowed to enter the mine. And at every mine operated by a shaft there shall be provided an approved safety catch, and a sufficient cover overhead, on all cages used for low-

ering and hoisting persons, and at the top of every shaft a safety gate shall be provided, and an adequate brake shall be attached to every drum or machine used for lowering or raising persons in all shafts and slopes.

Penalty.

§ 6. Any person employed in any mine governed by this statute, who intentionally and willfully neglects or refuses to securely prop the roof of any working-place under his control, or neglects or refuses to obey any order given by the superintendent of the mine in relation to the security of that part of the bank where he is at work, and whoever knowingly and willfully does any act endangering the lives or health of the persons employed in a mine, or the security of the mine or machinery, shall be liable to a fine of not less than ten dollars nor more than fifty dollars, to be collected by indictment by the grand jury of the county in which the mine is situate.

§ 7. All acts and parts of acts in conflict with this act are hereby repealed.

§ 8. This act shall be in force from its passage.

Approved April 6, 1888.

CHAPTER 887.

AN ACT to amend section 11, article 2, chapter 27, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended. § 1. That section 11, article 2, chapter 27, of the General Statutes, be, and the same is hereby, amended by adding to said section the following: "Or the court, at its court of claims or levy, may sell or dispose of the delinquent taxes as it may think proper, and the purchaser of said delinquent taxes shall be substituted to all the rights, privileges and benefits of said county, and have the same powers to collect, and be governed by the same laws and responsibilities in

collecting said taxes as other officers of this Commonwealth in collecting the revenue and other county levies.

§ 2. This act shall apply only to the counties of ^{Counties.} Menifee, Powell and Wolfe.

§ 3. This act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 933.

AN ACT to amend an act, entitled "An act to better protect turnpike roads in which the State is interested," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to better protect ^{How amended.} turnpike roads in which the State is interested," approved May 15, 1886, be, and the same is hereby, repealed, so far as it applies to the Frankfort, Lexington, and Versailles Turnpike Road Company.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 945.

AN ACT relating to the qualification of jurors in criminal prosecutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall not be a cause of challenge that a juror ^{No cause of challenge to read newspaper account of case.} has read in the newspapers an account of the commission of the crime with which the prisoner is charged, if such juror shall state on oath that he believes he can render an impartial verdict according to the law and the evidence; and provided further, that in the trial of any criminal cause the fact that a person called as a

How disqualifi-
cation may be re-
moved.

juror has formed an opinion or impression, based upon rumor or upon newspaper statements (about the truth of which he has expressed no opinion), shall not disqualify him to serve as a juror in such case, if he shall, upon oath, state that he believes he can fairly and impartially render a verdict therein in accordance with the law and the evidence, and the court shall be satisfied of the truth of such statement.

§ 2. This act shall take effect and be in force from its passage.

Approved April 10, 1888.

CHAPTER 950.

AN ACT to regulate the time of holding the common pleas court in Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Courts.	§ 1. That the terms of the common pleas court in the counties of Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell shall be held as follows : In the
Harlan.	county of Harlan, the third Monday in January and August, and continue twelve judicial days each term ;
Perry.	in the county of Perry, the third Monday in February and September, and continue six judicial days each
Leslie.	term ; in the county of Leslie, the fourth Monday in February and September, and continue six judicial
Laurel.	days each term ; in the county of Laurel, the second Monday in March and October, and continue eighteen
Whitley.	judicial days each term ; in the county of Whitley, the first Monday in April and November, and continue
Knox.	eighteen judicial days each term ; in the county of Knox, the fourth Monday in April and November,
Bell.	and continue eighteen judicial days each term ; in the county of Bell, the third Monday in May and De-
	cember, and continue eighteen judicial days each term.

§ 2. This act shall take effect from May 10, 1888.

Approved April 10, 1888.

CHAPTER 953.

AN ACT to fix the time of holding the quarterly courts of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the quarterly courts of Carter county shall commence on Tuesday after the second Mondays in January, April, July and October in each year, instead of the time now fixed by law. Courts, when held.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 954.

AN ACT to change the time of holding common pleas courts in Bourbon, Clark and Madison counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the January term of the common pleas court in Madison county shall begin on the second Monday of January in each year, and continue eighteen juridical days, and that the June and October terms of said court in said county shall remain as now fixed by law. Madison.

§ 2. That the January term of the common pleas court in Clark county shall begin on the first Monday in February in each year, and continue eighteen juridical days, and that the June and September terms of said court in said county shall remain as now fixed by law. Clark.

§ 3. That the February term of the common pleas court in Bourbon county shall begin on the fourth Monday in February in each year, and continue eighteen juridical days, and that the May and No- Bourbon.

vember terms of said court in said county shall remain as now fixed by law.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 955.

AN ACT to adopt the new edition of the General Statutes of Kentucky, edited and published by Joshua F. Bullitt and John Feland, in the year 1887.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the edition of the General Statutes published in the year 1887, by Joshua F. Bullitt and John Feland, from chapter 1 to chapter 113a, inclusive, shall constitute and be known as the General Statutes of the Commonwealth of Kentucky, and shall be designated and cited by the words, "The General Statutes," adding the number of the chapter and section, when necessary, and as such are adopted as the law of the land: *Provided*, That this act shall not be held or construed to repeal any general or public act passed since 1873, or in force and effect at the date of the passage of this act, and not included in the edition above mentioned.

General Statutes
defined

Proviso.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 962.

AN ACT to amend an act, entitled "An act amendatory of and supplemental to chapter 25, General Statutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the provisions of an act, entitled "An act amendatory of and supplemental to chapter 25, Gen-

eral Statutes," approved April 28, 1884, shall apply to the coroner of Campbell county. Act applies to coroner of Campbell county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 970.

AN ACT to change the time of holding the courts of justices of the peace in Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the courts of the justices of the peace of Elliott county shall be holden in the months of January, April, July and October of each year, instead of the times now fixed by law. How changed.

§ 2. This act to take effect from and after the first day of May, 1888.

Approved April 10, 1888.

CHAPTER 973.

AN ACT to readjust and fix the time of holding the court of common pleas in the first judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of common pleas for Graves county shall convene on the first Monday of each January and July in each year, and hold eighteen judicial days if the business requires it. That the court of common pleas for Hickman county shall convene on the fourth Monday of each January and July, and continue for twelve judicial days if the business requires it. The court of common pleas for Carlisle county shall convene on each second Monday of February and August, and hold for twelve judicial days. Graves. Hickman. Carlisle.

if the business requires it. The court of common pleas for Ballard county shall convene on the fourth Mondays of each February and August, and continue for twelve judicial days if the business of the court requires it.

Marshall. The court of common pleas for Marshall county shall convene on the second Monday of each March and September, and continue for twelve judicial days if the business requires it. The court of common pleas for McCracken county shall convene on each fourth Monday of March and September, and continue for forty-eight judicial days if the business requires it.

Livingston. The court of common pleas for Livingston county shall convene on the fourth Monday of each May and November of each year, and continue for eighteen judicial days if the business of the [court] requires it.

§ 2. This act shall take effect and be in force from and after the first day of July, 1888.

Approved April 10, 1888.

CHAPTER 980.

AN ACT to amend section 8 of article 3 of chapter 59 of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 8 of article 3 of chapter 59 be amended as follows, to wit: Strike out in said section, wherever they occur, the words "twenty cents" and the words "thirty cents," and insert in lieu of said words, in each place, the words "ten cents."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1888.

CHAPTER 1039.

AN ACT to declare Beaver creek, in Floyd and Knott counties, together with its tributaries, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stream known as Beaver creek, in Extent of act. Floyd and Knott counties, together with all the tributaries of said creek, be, and the same are hereby, declared navigable to the extent that it shall be unlawful for any person, from and after the passage of this act, to erect across said stream any dam or other obstruction which will prevent or interfere with the floating of saw-logs and staves down the same: *Provided*, Proviso. *however*, That this act shall not interfere with any dam erected across said stream previous to the passage of this act.

§ 2. This act shall take effect from its passage.

Approved April 13, 1888.

CHAPTER 1040.

AN ACT to declare Johnson's Fork and Cow creek, in Magoffin county, navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Johnson's Fork and Cow creek, tributaries Extent of act. of the Licking river, in Magoffin county, are hereby declared navigable streams as far up as splash dams can be operated.

§ 2. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1082.

AN ACT defining the jurisdiction of the Jefferson circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the jurisdiction now conferred by law on the Jefferson circuit court, it shall have original and exclusive jurisdiction for the trial of all misdemeanors committed in the city of Louisville and county of Jefferson, where the fine may exceed one hundred dollars or imprisonment may exceed fifty days, or both such fine and imprisonment.

§ 2. The Jefferson circuit court alone shall have power to have and impanel a grand jury in and for the county of Jefferson.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after first day of September, 1888.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1092.

AN ACT for the continuation of the Geological Survey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the continuation of the Geological, Topographical and Agricultural Survey of the State; the chemical analyses of soils, coals, ores and other substances; the collecting of and testing of coals, clays, building stones, ores and other substances, there is hereby appropriated, from any money in the State Treasury not otherwise appropriated, the sum of fifteen thousand dollars per annum, to be expended in the same manner as provided in chapter 877 of Session Acts, 1883-4, except that nothing herein shall

be construed to appropriate money for an immigration bureau, or for any purpose except for a Geological, Topographical and Agricultural Survey of the State; chemical analyses of soils, coals, ores and other substances; the collecting of and testing of coals, clays, building stones, ores and other substances.

§ 2. That the Governor is hereby authorized and required to appoint a State Geologist; shall, by and with the consent of the Governor, appoint suitable assistants for such time as their services may be required: *Provided*, That the Geologist shall not receive more than ten dollars per day during such time as he may be in actual service, and the compensation received by said State Geologist shall not exceed in amount two thousand dollars per annum: *And further provided*, That before any money herein appropriated is paid upon the order of the State Geologist and the approval of the Governor, said Geologist shall execute bond in the sum of twenty thousand dollars to the Commonwealth of Kentucky, and good and sufficient surety to be approved by the Governor, for the lawful discharge of his duties, which bond shall be attested by the Secretary of State, and filed in his office.

State Geologist,
Governor to appoint.

Assistants, how
appointed.

Compensation of
State Geologist.

Bond required.

Secretary of
State to attest.

§ 3. The Governor shall have power to remove any of the persons appointed under this act to negligence or incompetency, or any other cause which he may deem sufficient for such removal, and appoint others in their stead.

Employes, how
removed.

§ 4. That the Governor shall have authority to direct that the work be prosecuted in a manner as will, in his judgment, give alike to all portions of the State the benefits of the Survey.

Governor may
direct work.

§ 5. That neither the State Geologist nor his assistants shall have any interest in mineral lands in this State, nor in any real estate agency, nor in any speculation developed in the exercise of their official duties.

Prohibition.

Stationery. § 6. That it shall be the duty of the State Librarian to furnish office of the Geological Survey with all necessary stationery for the use of said Survey.

Reports. § 7. That the reports and publications of the Survey, when approved by the Governor, shall be printed by the Public Printer at the same charges and upon the same terms as similar work is done for the State:

Sale of publica-
tions. *Provided*, That any money received from sale of publications as provided in chapter 877 of Session Acts 1883-4, shall be placed in the State Treasury to the credit of the general revenue.

Conduct of Sur-
vey. § 8. *Provided*, That the Geological Survey be extended first to the counties in the State which have had no survey, and next to the counties that have had the least survey made.

Conflicting acts
repealed.
Appropriation
for 2 years only. § 9. This act shall take effect from and after its passage, and shall repeal all acts and parts of acts in conflict with its provisions; but the foregoing appropriation shall only be for two years.

Approved April 16, 1888.

CHAPTER 1116.

AN ACT to provide for the apportionment of annuities and for payment of moneys derived therefrom to heirs or personal representative.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Annuities, how
recovered. § 1. That whenever any person entitled to an annuity shall die within the year and before such annuity shall be fully earned, the heirs or personal representatives of such person shall have and be entitled to recover such proportion of the entire amount of such annuity as the time already elapsed of said year, at the date of the death of the annuitant, bears to the entire year.

Remedies. § 2. The heirs or personal representative of said annuitant shall have such remedies for the recovery of such proportional part of said annuity as they would

have for the recovery of the entire amount of said annuity, if entitled thereto, and the same were fully earned before the death of said annuitant.

§ 3. This act shall take effect from and after its passage.

Approved April 17, 1888.

CHAPTER 1122.

AN ACT regulating the time of holding the June term, 1888, of the Butler quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the June term of the Butler quarterly court for 1888 shall commence on the fourth Monday in June, 1888, instead of the third Monday. How changed.

§ 2. This act shall take effect from and after its passage, and after said June term, 1888, the court shall be held as heretofore.

Approved April 18, 1888.

CHAPTER 1148.

AN ACT to amend the laws in regard to the lunatic asylums in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the superintendents of the several lunatic asylums in this Commonwealth shall have the right and authority to permit the family or friends of patients, whose condition of mind and health is such as in the opinion of such superintendents may be taken care of and treated properly outside of an asylum, to be taken from the asylum, either permanently or for such length of time as the superintendent may deem prudent. Privilege of superintendents.

§ 2. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1157.

AN ACT to amend section 764 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended

§ 1. That section 764 of the Civil Code of Practice be, and the same is, amended so as to add to said section, at the end thereof, the language following, to wit: And upon the affirmance of, or the dismissal of an appeal from, a judgment for money rendered against any insurance or railroad corporation or company, or against any corporation not created by or organized under the laws of the Commonwealth of Kentucky, ten per centum damages on the amount of the judgment appealed from shall be awarded against the appellant, although such judgment be not superseded.

§ 2. This act shall be in force from its passage.

Approved April 19, 1888.

CHAPTER 1172.

AN ACT to repeal "An act to regulate the advertisement of judicial sales of land in Hardin and Grayson counties," approved April 8, 1884, in so far as it relates and applies to Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Repealed as to
Hardin county.

§ 1. That "An act to regulate the advertisement of judicial sales of land in Hardin and Grayson counties," approved April 8, 1884, be, and the same is hereby, repealed, in so far as it relates and applies to Hardin county.

§ 2. That this act shall take effect from its passage.

Approved April 20, 1888.

CHAPTER 1175.

AN ACT to amend sections 6 and 8 of chapter 70, General Statutes, entitled "Liens in Favor of Mechanics," etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the words "sixty days" in section 6 and the word "six" in section 8 of chapter 70, General Statutes, be, and the same are hereby, stricken out, and in their stead the words "six months" be inserted in said sixth section, and the word "twelve" be inserted in the eighth section. How amended.

§ 2. That this act shall apply to McCracken county only. Applies to McCracken county only.

§ 3. That this act shall take effect from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1199.

AN ACT to change the time of holding the circuit court in Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts of Owsley county shall commence on the third Mondays in October and continue twelve juridical days, and on the fourth Mondays in April and continue six juridical days if the business requires it; and also, if the business requires it, and the same can be done without interfering with other terms of the circuit courts in the districts, the judge may extend the term of said court. Owsley circuit courts, when held.

§ 2. This act shall take effect and be in force from and after the first day of July, 1888.

Approved April 20, 1888.

CHAPTER 1204.

AN ACT to amend section 2 of an act, entitled "An act to amend article 1, chapter 55, of the General Statutes, entitled 'Division Fences.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended. § 1. That an act, entitled "An act to amend article 1, chapter 55, of the General Statutes, title 'Division Fences,' " approved May 17, 1886, be amended by striking out the words "and are assessed for taxation," in the third line of the second section of said act.

§ 2. This act to be in force from and after its passage.

Approved April 21, 1888.

CHAPTER 1225.

AN ACT to amend an act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," approved March 20, 1876, so far as the same applies to Floyd and Johnson counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended. § 1. That the act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," approved March 20, 1876, be, and the same is hereby, so amended as to provide that it shall be lawful for any one to catch fish with a seine or net in that part of the Big Sandy river and its tributaries, lying in Floyd and Johnson counties:

Proviso. *Provided*, that all fish so caught, except those to be used for food, shall be returned to the water.

§ 2. This act shall take effect from its passage, and apply to the counties of Floyd and Johnson only.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1230.

AN ACT to declare the North Fork of Rough creek, in Breckinridge county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the North Fork of Rough creek, in Breckinridge county, shall be, and is hereby, declared a navigable stream from its mouth to its source, or so far as practicable. How far declared navigable.

§ 2. Any person obstructing said stream by falling timber in said stream shall be considered guilty of a misdemeanor, and shall be proceeded against by any court having jurisdiction, and fined not exceeding twenty dollars, nor not less than ten dollars in each case and for each offense. Penalty for obstructing stream.

§ 3. This act shall not be construed so as to affect any mill-dams on said stream, or that may be built on said stream. Act construed.

§ 4. This act shall take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1238.

AN ACT requiring teachers in this Commonwealth to obtain certificates of qualification.

WHEREAS, Certain chartered schools of this Commonwealth have obtained, through the General Assembly of the State of Kentucky, privilege to grant diplomas to their graduates, which diplomas are equivalent to a State certificate, giving its holder a right to teach school in the various counties of this Commonwealth without being examined by the board of county school examiners; and whereas, certain of the said chartered institutions are abusing the privileges granted them by the General Assembly, and do Preamble.

grant diplomas to persons wholly or in part incompetent to teach the branches prescribed by the common school law ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Teachers must obtain certificates.

§ 1. That the teachers of the common schools of this Commonwealth be required to obtain certificates of qualification from the board of examiners in the county in which they expect to teach, and that no person be permitted to teach in the common schools of this Commonwealth who has not obtained certificates of qualification from the county board.

Conflicting acts repealed.

§ 2. All acts and parts of acts passed and approved before the passage of this act, in conflict with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect and be in force from the first day of June, 1888.

Approved April 24, 1888.

CHAPTER 1252.

AN ACT to amend section 42, article 1, chapter 94, of the General Statutes, as to apply to Breathitt county only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

How amended.

§ 1. That chapter 94, article 1, section 42, of General Statutes, be amended so as to read as follows : When the surveyor of a public road shall fail to perform his duty, he shall be fined not less than ten dollars nor more than fifteen dollars, recoverable by indictment of a grand jury, or by motion in a county court : *Provided*, That when such fines are imposed in the county court, the trial to be by jury.

Proviso.

Breathitt.

§ 2. This act shall only apply to Breathitt county.

§ 3. This act shall be in force from and after its passage.

Approved April 24, 1888.

CHAPTER 1263.

AN ACT to amend an act, entitled "An act to protect citizens of this Commonwealth from empiricism," approved February 23, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to protect citizens of this Commonwealth from empiricism," approved February 23, eighteen hundred and seventy-four, be so amended as to provide that it shall be the duty of the county clerk of each county to purchase a book of suitable size, to be known as the "Medical Register" of the county, and to set apart one full page for the registration of each physician; and when any physician shall depart this life, or remove from the county, he shall make a note of the same at the bottom of the page; and said clerk shall transmit to the office of the State Board of Health a duly certified list of the physicians of such county registered under this act, together with such other information as is hereinafter required, and perform such other duties as are required by this act; and such clerk shall receive the sum of fifty cents from each physician so registered, which shall be his full compensation for all the duties required under this act.

§ 2. That on and after the first day of April, 1889, it shall be unlawful for any person to practice medicine, in any of its branches, within the limits of this State, who has not exhibited and registered in the county clerk's office of the county where he is practicing, or intends to commence the practice of medicine, his authority for so practicing medicine as prescribed in this act, the name and location of the college issuing the same, if it be a diploma, the date of same, together with his age, residence, place of birth, and the school or system of medicine to which he professes to belong. The person so regis-

tering shall subscribe and verify, by oath, before such clerk, an affidavit containing such facts, and that he is the person named in the authority so registered, which, if willfully false, shall subject the affiant to conviction and punishment for perjury.

Authority to
practice medi-
cine.

§ 3. That authority to practice medicine under this act shall be—(a) A diploma from a medical school legally chartered under the laws of this State. (b) A diploma from a reputable and legally chartered medical school of some other State or country (certified and indorsed as such by the faculty of a legally chartered medical school in this State, or State medical society). (c) An affidavit from the person claiming the same that such person is exempted from obtaining a diploma under section 2 of the act to which this is an amendment, and stating where he has so practiced: *Provided*, That no college shall charge or receive more than one dollar for the certificate and indorsement required by this section.

Proviso as to
fees.

Act construed.

§ 4. That nothing in this act shall be so construed as to discriminate against any peculiar system or school of medicine, or to prohibit women from practicing midwifery, or to prohibit gratuitous services in case of emergency, nor shall this act apply to commissioned surgeons of the United States Army, Navy, or Marine Hospital Service.

Conflicting acts
repealed.

§ 5. That sections 3, 4, 5, 6 and 7 of the act to which this is an amendment, and any portion of other sections of said act in conflict with the provisions of this act, are hereby repealed, and that section 8 of said act is hereby reaffirmed and made a part of this act.

Limit of certi-
ficate.

§ 6. Nothing in this act shall be construed to limit the period for which a certificate may run, issued in pursuance of section 8 of the act to which this is an amendment, but said certificate may run the full period for which it was issued.

§ 7. This act to take effect from and after its passage.

Approved April 25, 1888.

CHAPTER 1271.

AN ACT to create a lien on canals, railroads and other public improvements in favor of persons furnishing labor or materials for the construction or improvement thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who perform labor, or who furnish labor, materials or teams for the construction or improvement of any canal, railroad, turnpike or other public improvement in this Commonwealth, by contract express or implied, with the owner or owners thereof, or by sub-contract thereunder, shall have a lien thereon and upon all the property and franchises of the owner or owners thereof, for the full contract price of such labor, material and teams so furnished or performed, which said lien shall be prior and superior to all other liens theretofore or thereafter created thereon.

Persons entitled to liens.

Extent of lien.

§ 2. The liens provided for in the foregoing section shall in no case, be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of liens exceed the price agreed upon between the original contractor and the owner or owners of the canal, railroads, turnpike or other improvement, then there shall be a pro rata distribution of the original contract price among said lien-holders.

Amount of lien.

§ 3. No lien provided for in this act shall attach unless the person who performs the labor or furnishes the labor, material or teams, shall, within sixty days after the last day of the last month in which any labor was performed, or materials or teams were furnished, file in the county clerk's office of each county in which the labor was performed or materials or teams were furnished, a statement in writing, verified by affidavit, setting forth the amount due therefor, and for which the lien is claimed, and the name

When lien shall attach.

Clerk's duties. of the canal, railroad or other public improvement upon which it is claimed. Said claim shall be filed and indorsed by the clerk of said court, giving the date of its filing. The clerk shall also make an abstract and entry thereof, as now provided by law in case of mechanics' liens, and in the same books used for that purpose, and shall make proper index thereof.

Clerk's fees. For his services the clerk shall be paid one dollar by the party filing the claim, which may be recovered by the latter from the owner or owners of the canal, railroad or other improvements as costs.

Lien, how enforced. § 4. Liens acquired under this act shall be enforced by proper proceedings in equity, to which other lienholders shall be made parties; but such proceedings must be begun within one year from the filing of the claim in the county clerk's office as required by the third section of this act.

Proceedings, when begun.

Provisions extended. § 5. The provisions of this act shall apply to canals, railroads, turnpikes and other public improvements now in course of construction, in so far as they do not impair obligations heretofore created.

§ 6. This act shall be in force and take effect from and after its passage.

This bill was received by the Governor on Friday, March 2d, 1888, and was returned by him to the House of Representatives, in which it originated, on Wednesday, March 14th, 1888, with his objections thereto. On Tuesday, the 27th day of March, 1888, the House of Representatives ordered it to be returned to the Executive office, with an expression of opinion "that said bill had been returned to the House of Representatives after the expiration of the ten days provided in the Constitution, and that said bill had thereby become a law without the approval of the Governor," as will more fully appear by reference to an entry on journal of the House of Representatives, of date March 27th, 1888, a certified copy of which is hereto attached.

GEO. M. ADAMS,
Secretary of State.

(*House Journal, page 1294.*)

In House of Representatives, March twenty-seventh, one thousand eight hundred and eighty-eight, Mr. Reed, from the Committee on the Judiciary, to whom the same had been referred, reported a bill, which originated in the House, entitled "An act to create a lien law on canals,

railroads and other public improvements, in favor of persons furnishing labor or materials for the construction or improvement thereof," together with the veto thereof by the Governor. Mr. Reed reported that said bill had been returned to the House of Representatives after the expiration of the ten days provided in the Constitution, and that said bill had thereby become a law without the approval of the Governor. Ordered, that the report of the committee be adopted, the committee discharged from the further consideration of the matter, and that the Clerk of the House of Representatives return said bill to the Executive Office. I, Green R. Keller, Clerk of the House of Representatives, certify that the above is a correct copy of the journal of the House of Representatives, in relation to said bill, on the day and date aforesaid. Given under my hand this twenty-ninth day of March, one thousand eight hundred and eighty-eight.

GREEN R. KELLER,

Clerk of House of Representatives.

CHAPTER 1272.

AN ACT to amend an act, entitled "An act relating to branding logs on the Kentucky and Cumberland rivers and their tributaries," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of an act, entitled "An act relating to branding logs on the Kentucky and Cumberland rivers and their tributaries," approved May 15, 1886, be, and it is hereby, amended as follows, viz: Insert after word tributaries, where it first occurs How amended. in said section, the following words, viz: "Or who shall take up, cut, split, saw, or convert to his or their own use, any such log or logs, or shall buy or sell any such log or logs, knowing the same to have been stolen or unlawfully in the possession of the person or persons from whom he or they may obtain same."

§ 2. Each person or persons owning or operating a Kentucky river. boom or booms on the Kentucky river shall, at the end of each thirty days from and after this act is approved, give notice to the constable of the precinct

Constable,
duties.

in which said boom or booms may be located of the number of logs found within his or their boom or booms within the thirty days preceding that do not belong to said person or persons, and shall furnish said constable with a description of said logs, and thereupon said constable shall advertise and sell said logs and dispose of the proceeds thereof as provided in the act of May 4, 1880, on page 490 of Bullitt and Feland's late edition of the General Statutes of this Commonwealth.

Penalty.

§ 3. Any person or persons so owning or operating a boom or booms, who fail to comply with section 2 of this act, shall be fined not less than ten nor more than twenty dollars. All fines under this act shall be collected as other fines in this Commonwealth.

§ 4. This act shall be in force from and after its passage.

Approved April 26, 1888.

CHAPTER 1283.

AN ACT to repeal an act, entitled "An act for the propagation and protection of food-fishes in the State of Kentucky," approved March 20, 1876, and the acts amendatory thereof, so far as they apply to Boyd, Cumberland, Grayson, and Lawrence counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended.

§ 1. That the act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," approved March 20, 1876, and the acts amendatory thereof, so far as they apply to Boyd, Cumberland, Grayson, and Lawrence counties, are repealed, except as to the use of poison or explosive substances.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1288.

AN ACT to create an equity term of the court of common pleas for
Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created, in and for the county of Franklin, an additional term of the court of common pleas, for the appearance and trial of equity actions and proceedings only, to be held on the Fourth Monday in August each year, and to continue six juridical days each. Court, when held.

§ 2. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1289.

AN ACT in regard to conveyances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a deed to real estate has heretofore been made by a married woman, or other person, and has been duly acknowledged before a deputy clerk of the county in which the land is situated, and a note or memorandum thereof indorsed by him on the deed, and a certificate of such acknowledgment has been written out and signed by the principal clerk as if the acknowledgment had been before such principal clerk, then the deed and certificate and the recording thereof shall be valid for all purposes. Deed, how made valid.

§ 2. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1291.

AN ACT to preserve the rolls and records of certain Kentucky military organizations.

Preamble.

WHEREAS, The muster out rolls of the military organizations from Kentucky which served in the war with Mexico, now on file in the office of the Adjutant-General, are much worn and in danger of total destruction from frequent handling, rendered necessary by the many calls for certificates of service; and whereas, the muster-out rolls of nineteen regiments of the war of 1861-5, which were not received at the office of the Adjutant-General till after the publication of General D. W. Lindsey's report of 1861-5, are in danger of destruction from the same cause; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Governor and
Adjutant Gen-
eral, duties.

§ 1. That the Governor and Adjutant-General be, and are hereby, authorized and empowered to take such action as may be necessary to preserve and perpetuate said rolls and records in the archives of the State, and they may cause to be made a roster of the officers and soldiers of the Mexican war from Kentucky, and have printed and bound by the Public Printer, in neat and durable form, not exceeding three hundred copies thereof, for distribution among the public officers of the State, and report their action in the premises to the General Assembly.

Public Printer,
duties.

§ 2. This act shall take effect from its passage.

Approved April 27, 1888.

CHAPTER 1295.

AN ACT for the better protection of food-fish in Green river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful to catch or How amended. destroy any fish in Green river, between Spottsville and the mouth of said river, by means of a seine, net, drag, gigs, paddle, trap, or any explosive. Any one thus Penalty. offending shall be fined in any sum not less than fifty dollars and not exceeding two hundred dollars, to be recovered by indictment of a grand jury of the county in which the offense is committed.

§ 2. This act to take effect from and after its passage. Per cent. of fine to informer. Forty-five per cent. of the fines provided for in this act shall be paid to the person informing against any one violating the provisions of this act.

Approved April 27, 1888.

CHAPTER 1297.

AN ACT to regulate the jurisdiction of the Webster quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all actions, motions or other legal proceedings hereafter instituted in the Webster quarterly court shall be returned before the judge of said court for trial. Actions, how returned.

§ 2. That all laws and parts of laws in conflict herewith are hereby repealed.

§ 3. That this act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1308.

AN ACT for the completion of so much of the Eddyville Penitentiary as will be sufficient for the accommodation of at least 418 convicts, and to appoint one commissioner to execute such work.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Appropriation. § 1. That for the purpose of completing so much of the Branch Penitentiary at Eddyville as may be sufficient for the accommodation of at least four hundred and eighteen convicts, and the necessary facilities for the management of the same number, according to plans to be adopted by the commissioner hereafter provided for in this act, and to be approved by the Governor and Auditor, the sum of one hundred and fifty thousand dollars, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury for said sum in such amounts and in such manner as is hereinafter provided.

Commissioner, how appointed. § 2. The Governor is hereby directed to appoint, with the advice and consent of the Senate, one commissioner of the Eddyville Penitentiary. Said commissioner shall receive the salary of two hundred dollars per month. Before entering upon the duties of his office he shall give bond in the sum of twenty-five thousand dollars, to be approved by the Governor, that he will faithfully perform the duties of his office, in accordance with the provisions of this act. Said commissioner shall take sole charge of the building of said penitentiary, and is required to so plan and execute such work that the sum of one hundred and fifty thousand dollars or less shall complete the necessary accommodations for at least four hundred and eighteen convicts, and also the buildings necessary to give the usual facilities for

Salary.

Bond.

Duties.

the management and employment of the same number. The intent and purpose of this act are, that one hundred and fifty thousand dollars or less shall complete such buildings and walls as may be necessary for the accommodation, management, employment and safe confinement of at least four hundred and eighteen convicts, as soon as possible. Intent of act.

§ 3. Said commissioner shall have all the power and right to employ convict labor now employed by the three commissioners heretofore provided for by law, and the Sinking Fund Commissioners shall furnish to said commissioner, upon his demand, such convict labor as is allowed by law, and as is consistent with the contracts with the lessees of the convict labor. Said commissioner shall, in his discretion, give out to the best and lowest bidders such parts of said work as he may deem best, or execute such work under his own direction and supervision. No warrant shall be drawn by the Auditor on the amount appropriated by this act until an itemized account is sworn to as correct and true by the person entitled to such warrant, and is indorsed as approved by the commissioner provided for in this act. In case of payment of wages to laborers, the said commissioner shall make out at the end of each month, or as often as may be necessary, an itemized account of the same, and indorse the same as correct and true, upon the presentation of which the Auditor shall draw his warrant on the Treasury in favor of such commissioner for the said sum, the said amount to be disbursed by the said commissioner, the laborers giving receipts for the amounts received. He shall keep a well ordered and correct itemized account of all moneys expended in building said penitentiary. For said purpose he shall be allowed to employ one book-keeper at a salary not exceeding sixty-five dollars per month. Said books and accounts shall always be open to inspection by the Governor and Auditor, or to any agent that either of them may appoint to examine said books. Said Commissioner, powers. Auditor's warrant, how drawn. Laborer's wages. Accounts, how kept Book-keeper's salary.

Commissioner,
how removed.

commissioner shall be subject to removal by the Governor.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1324.

AN AOT concerning the Penitentiary.

Preamble.

WHEREAS, By the burning of the work-shops in the Penitentiary on the 11th day of January, 1887, a large number of men are left without employment, and it being necessary both for the discipline of the prisoners and the interests of the State and the lessees of the labor that these shops should be rebuilt at once; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Directors, in-
structions to.

§ 1. That the directors of the Penitentiary be, and they are hereby, directed to proceed at once to rebuild the work-shops and replace the bath-room and water-closets. They will advertise for bids, subject to the plans and specifications submitted by the architect, and are authorized to contract for such rebuilding with the lowest and best bidders, so as to secure, at the lowest possible cost, the replacement of the burnt buildings: *Provided, however,* That the total expenditures for these purposes shall not exceed sixty thousand dollars.

Expenditure,
amount limited.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1334.

AN ACT to regulate the holding of criminal courts in the counties of Johnson, Boyd and Carter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Johnson criminal court shall begin on ^{Johnson.} the Monday succeeding the termination of the Floyd ^{Floyd.} criminal court, and continue six juridical days; the Boyd criminal court shall begin on the Monday suc- ^{Boyd.} ceeding the Johnson criminal court, and continue eighteen juridical days; the Carter criminal court ^{Carter.} shall begin on the Tuesday succeeding the Boyd criminal court, and continue seventeen juridical days.

§ 2. That all acts touching the holding of said courts, inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect from and after July 1, 1888.

• Approved April 30, 1888.

CHAPTER 1335.

AN ACT in relation to the unaudited vouchers, receipts, checks, postal currency, postal orders, promissory notes, due bills, and other papers and evidences of indebtedness to this Commonwealth, or to James W. Tate, late Treasurer thereof, which have been found in the office lately occupied by him, and vault attached thereto.

WHEREAS, James W. Tate, late Treasurer of this ^{Preamble.} Commonwealth, abandoned his said office, has been removed therefrom, and is indebted to this Commonwealth in a large sum of money, as appears from the report of John F. Hager and Ben C. Weaver, commissioners appointed by the Governor under and as provided for by section 5, article 2, chapter 108, General Statutes; and whereas, it appears from said report that said James W. Tate left in the Treasurer's office

and vault attached thereto, lately occupied by him in the public buildings in the city of Frankfort, sundry unaudited vouchers, effects, receipts, checks, postal currency, postal orders, promissory notes, due bills, and other papers and evidences of indebtedness to this Commonwealth, or to said James W. Tate, for money advanced or paid out by him, which belonged to this Commonwealth, which have been scheduled by said commissioners, as shown in their report filed with the Secretary of State, as required by said statute; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Commission. § 1. That a commission is hereby created, to be composed of the Attorney-General, W. P. D. Bush, and one other, to be appointed by the Governor, whose
Duties. duty it shall be to take possession of all of said unaudited vouchers, effects, receipts, checks, postal currency, postal orders, promissory notes, due bills, and other papers and evidences of indebtedness, and to dispose of the same as hereinafter provided.

Commissioners. § 2. Said commissioners are hereby authorized and empowered to audit and adjust any and all of said unaudited vouchers and other claims against the Commonwealth, which may have been paid or received as so much money, by said Tate as such Treasurer, and if they shall find: (1) that the Commonwealth may have been legally chargeable therewith; (2) that the Commonwealth has not heretofore been charged therewith; (3) that said Tate, upon the proper presentation thereof, may have been legally entitled to be credited therewith, and (4) that said Tate has not heretofore been credited therewith on his accounts
Report. with the Commonwealth in the Auditor's office, they shall report the same, and the amount thereof allowed
Auditor. by them, in writing, to the Auditor, who shall enter the same as a credit to said Tate on his accounts with

the Commonwealth as such Treasurer, on the proper books in his office.

§ 3. Said commissioners, or any one of them, selected by them for that purpose, are hereby authorized and empowered to receive and collect without suit, or by suit in the name of the Commonwealth of Kentucky, any and all sums of money and interest thereon, which may be due or owing to this Commonwealth, or to said Tate, late Treasurer thereof, on or on account of said unaudited vouchers, receipts, checks, postal currency, postal orders, promissory notes, due bills, and other papers and evidences of indebtedness, and to execute in the name of the Commonwealth of Kentucky proper receipts and acquittances against the same, and report to the Auditor each claim so received or collected, and pay the full amount so received or collected thereon into the Treasury, to be credited as provided in section 2 hereof.

Commissioners may receive and collect, how.

§ 4. Said commissioners, or commissioner selected as provided in section 3 hereof, are hereby authorized and empowered, subject to the approval of the Governor, to adjust and compromise any of the claims above referred to.

May compromise claims.

§ 5. Said commissioners are each hereby authorized and empowered to administer oaths to parties and witnesses in discharging any of the duties hereby imposed upon them.

May administer oaths.

§ 6. If the said W. P. D. Bush, or other person to be appointed by the Governor, should die or decline to act as such commissioner, the Governor shall appoint some suitable person to fill his place, and any other vacancy which may occur in said commission.

Vacancies, how filled.

§ 7. Said commissioners shall each be allowed a reasonable compensation for such services as he may render under the provisions of this act, by the Commissioners of the Sinking Fund, to be paid out of the Treasury as other similar allowances are paid.

Compensation.

§ 8. This act to take effect from its passage.

Approved April 30, 1888.

CHAPTER 1336.

AN ACT relating to writs of forcible entry, forcible detainer, and forcible entry and detainer, and the trial thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. In the trial of writs of forcible entry, forcible
Writs, how tried detainer, or forcible entry and detainer, if neither party, in person or by agent or attorney, demand a jury, the trial thereof shall be by the judge or justice presiding; and in such event the judge or justice shall try all questions arising, whether of law or of
Jury, how called fact. No such writ shall hereafter direct the summoning of a jury; and the sheriff or other officer to whose hands such writ may come to do execution thereof shall not summon a jury in such proceeding, unless he be by either party notified in writing that a jury is demanded. After calling of the cause for trial either party may demand a jury.

§ 2. The right to traverse the finding of the judge
Traverse, right of. or justice shall be the same as if a verdict had been rendered by a jury.

§ 3. All acts and parts of acts inconsistent herewith are repealed, so far as they conflict herewith; and this act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1337.

AN ACT to amend section 11, article 3, chapter 27, of the General Statutes, so far as it applies to Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 11, article 3, chapter 27, of the General Statutes, be, and the same is hereby, amended :
County attorney. That the county attorney of Magoffin county is given,

and that he have the right and authority to prosecute an appeal from the judgment or order of the Magoffin county court of claims, or order of the board of commissioners of said county, allowing any claim against said county, payable out of the county levy or ad valorem tax of said county, of twenty dollars and upwards.

§ 2. The appeal named in the first section of this Appeal. act shall be taken to the Magoffin circuit court, and may be taken any time within ten months from the date of allowance by the court of claims or board of commissioners. No appeal bond shall be required on Bond. any appeal taken, as allowed by this act.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1338.

AN ACT to amend section 6 of chapter 89 of the General Statutes, to apply to Trigg county only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 89, section 6, of the General Stat- How amended. utes, be amended as follows: By inserting after the word "office," in the second line thereof, the word "bridges."

§ 2. That this amendment apply to Trigg county only, and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1347.

AN ACT to amend section 3, article 2, chapter 106, General Statutes, to apply to Madison county only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of article 2 of chapter 106 be, Distillers not to sell at more than one place. and the same is hereby, amended by inserting after the word "premises," in the fourth line of same, the following words, viz: "*Provided*, That nothing herein shall be construed to authorize any distiller or firm of distillers to sell ardent spirits at more than one place: Residence. *And provided further*, That the residence at which the spirits are sold by authority hereof shall be located upon the distillery premises or premises adjacent thereto."

§ 2. This act shall apply only to Madison county.

§ 3. That this act shall take effect and be in full force from and after its passage.

Approved April 30, 1888.

CHAPTER 1353.

AN ACT for the protection of fish in Big West Fork of Red river, between the mill-dams of John W. Barker and Benj. F. Logan, in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any Fish, how protected. person or persons to catch or kill any fish with any seine, net, gun, gig, harpoon, or with any other contrivance except with hooks and lines, between the mill-dams of John W. Barker and Benj. F. Logan, in Penalty. Christian county. Any person or persons violating the provisions of this act shall be fined, upon conviction thereof, not less than five or more than

twenty-five dollars for each offense, to be recovered before any justice of the peace.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1420.

AN ACT to amend an act, entitled "An act to provide for the government, management and discipline of the Kentucky Penitentiary," approved May 3, 1880, and the several amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the government, management and discipline of the Kentucky Penitentiary," approved May 3, 1880, and the several amendments thereto now in force, be and the same are, amended so as to add thereto the following provisions, viz: That the Commissioners of the Sinking Fund shall have full power and authority to make and establish rules and regulations for the conduct and management of the Kentucky Penitentiary, under which any person who is now or may hereafter be convicted and sentenced to confinement in the Penitentiary for a felony, other than rape or incest, and who has not previously been convicted and served a term therein, and who has not been insubordinate to the rules and regulations of the institution, may, upon his written application and consent thereto, be allowed to go on parole outside of the buildings and inclosure of the Penitentiary, and free from the custody and control of the Warden thereof, as hereinafter provided; but to remain and be in the legal custody and control of the said Commissioners, and subject at any time to be taken back and confined within the buildings and inclosure of the Penitentiary, and placed in the custody of the Warden thereof, whenever such paroled convict shall become

Commissioners Sinking Fund, authority.

Exceptions.

Parole.

When parole may be canceled.

disobedient to the law, or the said Board of Commissioners, in its discretion, shall deem best; and full power to enforce such rules and regulations, and to retake and reimprison any convict so upon parole, and to require the Warden to release from and receive into his custody and the inclosure of the Penitentiary any convict so released upon parole or reimprisoned by order of the said Commissioners is conferred; and the written order of said Board of Commissioners, when signed by the Governor and attested by the Secretary of State, shall be a sufficient warrant and authority to all sheriffs, constables, marshals, policemen and other peace officers of this State, to arrest and deliver to the custody of the Warden of the Penitentiary any convict therein named and ordered to be reimprisoned, and it is made the duty of the Warden to release, or reimprison in the said Penitentiary, any convict ordered to be released or reimprisoned by said Commissioners; and it is made the duty of all peace officers in this State to execute any order directed to him or them under this act, by arresting and conveying said paroled convict to the Penitentiary, and delivering said convict to the Warden as other criminal process is executed; and the said peace officers shall receive for their services like compensation as is provided by law for the arrest and conveying prisoners to the Penitentiary, which shall be paid out of the State Treasury; and the said Board of Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for same in favor of the claimant upon the Treasurer of this State: *Provided*, That said Commissioners shall not parole a greater number than five per cent. of the prisoners in any one year.

Paroled prisoner,
how returned.

Warden, his
duties.

Peace officers,
duties.

Fees.

Limit as to num-
ber of paroles.

Prisoners con-
fined for murder.

§ 2. That no person who is now or may hereafter be convicted and sentenced to imprisonment for the crime of murder shall be allowed to go on parole outside of the inclosure of the Penitentiary and the

custody of the Warden thereof until after said convict shall have served out at least ten years of his term of imprisonment.

§ 3. That no person who is now or may hereafter be convicted and sentenced for a term of imprisonment in the Penitentiary for the crime of arson, burglary or highway robbery, shall be allowed to go upon parole outside of the buildings and inclosure of the Penitentiary until such convict shall have served the minimum term of imprisonment provided by law for the crime of which he was convicted. For arson, burglary, etc.

§ 4. That no person who has or may hereafter be convicted and sentenced to the Penitentiary for the crime of rape or incest, nor who has been previously convicted and served a term of imprisonment, nor who has been reimprisoned by order of the Board of Commissioners under this act, shall be allowed to go on parole outside the inclosure of the Penitentiary. For rape or incest. Other preventions of parole.

§ 5. That nothing in this act shall be construed as requiring such paroled convict to remain or reside in this State while so out on parole; but such convict so paroled may, at any time before said Commissioners shall have ordered his return to the Penitentiary, take up his residence wheresoever he desires, but said convict so out on parole, while he remains in this State, shall be required to report his place of residence and conduct to said Commissioners, through the county judge, at least every six months, and if he shall fail to do so without good cause, and if his conduct is reported as not good, the said failure to report and to properly conduct himself shall be deemed a violation of the conditions of his parole, and shall authorize his reimprisonment. Paroled prisoner, residence. Residence to be reported. Parole, how violated.

§ 6. That no convict who has been or may hereafter be allowed to go outside of the Penitentiary and custody of the Warden upon parole shall, while so out on parole, be required to wear the regulation dress of the Penitentiary or other badge, token or thing which Convict dress, etc, not required.

will or which is intended to indicate that he is a convict.

Time on parole not to be credited if returned. § 7. That the number of days or time any such convict has been or may be out of the inclosure of the Penitentiary upon parole shall not be credited to him upon his term of imprisonment if he shall be returned and reimprisoned in the Penitentiary by order of the said commissioners; but upon his return thereto he shall be required to remain in custody therein for the whole of his unexpired term at the date of said parole.

Warden and peace officers to obey orders. Penalty. § 8. If the Warden, or any peace officer in this State, shall willfully fail or refuse to execute and obey the orders of said Board of Commissioners, made or issued under this act, such person shall, upon conviction, be fined in a sum of not less than twenty-five dollars and not more than two hundred dollars for each offense, in the discretion of the court or jury trying same, and the circuit court of the county where said offense is committed shall have exclusive jurisdiction to try said offense.

Construction of act as to pardons, etc. § 9. Nothing in this act shall be construed to affect the constitutional power of the Governor of this State to pardon, reprieve or respite any person who may be charged with or convicted of a crime in this Commonwealth.

§ 10. That all laws and parts of laws in conflict herewith are hereby repealed.

§ 11. That this act shall take effect and be in force from and after its passage.

Approved May 2, 1888.

CHAPTER 1422.

AN ACT to amend an act, entitled "An act to better protect turnpike roads in which the State is interested," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved May 15, 1886, entitled How amended.
"An act to better protect turnpike roads in which the State is interested," is hereby so amended as not to apply to the Bardstown and Green River Turnpike Road Company.

§ 2. This act shall take effect at its passage.

Approved May 2, 1888.

CHAPTER 1435.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 9 of article 9 of an act, entitled How amended.
"An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886, be, and the same is hereby amended by adding the words "State or county" immediately after the words "taxes," in the twelfth line of said section.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1446.

AN ACT for the benefit of the sheriffs, ex-sheriffs, and clerks and ex-clerks of county and circuit courts of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sheriffs of this Commonwealth, and ex-sheriffs, and clerks and ex-clerks of county and cir- Officers benefited

Time allowed. cuit courts, whose term of office has expired since January 1, 1885, be, and they are hereby, allowed the further time of two years from the passage of this act to collect their outstanding and uncollected taxes and fee bills. And the said sheriffs and ex-sheriffs are allowed the same remedies and powers of restraint, and shall be liable in like manner as is now provided by law in the collection of such taxes and fee bills.

Privileges and liabilities.

§ 2. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1463.

AN ACT for the benefit of the Kentucky Institute for Deaf Mutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation, and for what purpose.

§ 1. That the sum of seventeen thousand seven hundred dollars (\$17,700) be, and the same is hereby, appropriated, out of any money in the State Treasury not otherwise appropriated, for the benefit of the Kentucky Institute for Deaf Mutes, to be expended by the board of commissioners of said institute for the following purposes, viz:

1. To pay for Yeiser property, four thousand seven hundred and fifty dollars.

2. For shop buildings, tools, etc., three thousand five hundred dollars.

3. For steam pump, boiler, engine-house and pipe, one thousand five hundred dollars.

4. For laundry, three thousand five hundred dollars.

5. For high board fence, one thousand two hundred dollars.

6. For painting and repairs, one thousand two hundred and fifty dollars.

7. For inclosing four corridors, one thousand five hundred dollars.

8. For running partition in girls' dormitory, five hundred dollars.

§ 2. That the said commissioners be, and are hereby, authorized and empowered to secure the best and lowest bids, and contract for such of the work above mentioned as can not be done by the workmen in the regular employ of said institute, with the aid of such inmates of the institute as are capable of doing good and satisfactory work.

§ 3. That this act take effect and be enforced from and after its passage.

Approved May 8, 1888.

CHAPTER 1471.

AN ACT to amend chapter 1, title 10, Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections 410 and 411 shall not apply in actions in which the Commonwealth is a party plaintiff, and is the beneficial owner of the demand sought to be collected. Where State is plaintiff.

§ 2. That section 414, said chapter and title, be so amended as that when the Commonwealth shall have received money under a judgment which may therefore be modified, set aside under the provisions of said section upon a retrial, the court, in making the order for the restoration of such money, shall direct the Auditor of Public Accounts to draw his warrant upon the Treasurer for the proper amount in favor of the party in whose favor the order of restoration may be made, and it shall thereupon become the duty of the Auditor to draw his warrant in obedience to such order. Court may direct Auditor. Auditor, his duty

§ 3. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1482.

AN ACT creating and establishing the office of State Inspector and Examiner, and prescribing his duties and defining his powers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- § 1. That there is hereby created and established the office of State Inspector and Examiner.
- § 2. The Governor, by and with the advice and consent of the Senate, shall appoint some suitable person, at least thirty years of age, and possessing all the qualifications of an elector of this State, to said office, as soon as this law goes into effect, and said person shall hold said position until the 15th of September, 1890, at which time, and every two years thereafter, the Governor shall make an appointment to said position, subject to the advice and consent of the Senate, for the term of two years.
- § 3. The Governor shall have the power, at any time, to suspend or remove the incumbent of said office therefrom at pleasure ; the order of suspension or removal to be in writing, stating the cause therefor, and filed with the Secretary of State ; and in case of a vacancy in said office from death, removal, resignation, refusal to qualify, or other cause, the Governor shall have power to fill said vacancy by appointment, subject to the advice and consent of the Senate, if then in session ; if not, then to be reported to the Senate, and advised and consented to or rejected, at its next session.
- § 4. Said Inspector and Examiner shall, before entering upon his duties, take an oath before some one qualified to administer oaths, to faithfully and diligently perform the duties of said position, and execute bond with sufficient security, to be approved by the Governor of the Commonwealth of Kentucky, in the sum of ten thousand dollars, for the faithful per-

formance of his duties. Said bond and said affidavit shall be filed with the Secretary of State.

§ 5. That it shall be the duty of said Inspector and Examiner, once in each year, to inspect and examine into the management, conduct, and condition of any and all asylums, prisons, feeble-minded and eleemosynary institutions, and public works owned or operated by the State, or in which, or the conduct or management of which, the State has any financial interest, or in the management of which the State is vested by law with any power; and it shall be the duty of said Inspector and Examiner to particularly and fully investigate into the faithful and economical application, by the person chargeable therewith, of all money appropriated by the State to any of said asylums, prisons, feeble-minded or eleemosynary institutions, or public works, or of any money in which the State has an interest, to the purpose intended by law. Duties, annually

§ 6. It shall be the duty of said Inspector and Examiner, once in each year, to fully and particularly examine into the management and condition of the Auditor's and Treasurer's office, and as to whether the laws regulating the official duties of said Auditor and Treasurer are being fully complied with by them respectively, and all money received by them for the State is fully accounted for. He shall also have authority to investigate and examine into the conduct of any other officer in this Commonwealth, who is authorized to receive or collect any money due or going to the Commonwealth, or who has the management or control of any property belonging to the State, or in which the State is interested, touching his official conduct thereupon. Duties, annually Authority.

§ 7. It shall be the duty of said Inspector and Examiner, at any time the Governor may order him to do so, to forthwith make an investigation of any of the aforesaid offices or institutions or works, and report the result to the Governor. Duties, special.

§ 8. It shall be the duty of said Inspector and Examiner to be present at each monthly settlement between the Auditor and Treasurer of the Treasurer's accounts, and see that the law relating to said settlements are strictly complied with, and he shall report immediately thereafter to the Governor as to whether he was present at the last settlement that by law should have been made, and whether the law has been complied with fully.

§ 9. Said Examiner shall, at any and all times, have access to the papers, books and records of any of the asylums, prisons, feeble-minded and eleemosynary institutions, public works and offices that he is authorized to investigate, and shall have power to issue process and compel the attendance of witnesses before him, and to administer oaths to and compel witnesses to testify in any of the investigations he is authorized to make; and upon the failure of any witness to attend or testify, without legal excuse, he shall be deemed guilty of a misdemeanor, and, upon conviction before any court having jurisdiction, fined not exceeding twenty-five dollars.

§ 10. Any person having custody of any of said papers, books or records, who shall fail or refuse, when called upon by said Inspector and Examiner for that purpose, to permit him to inspect the same, shall be guilty of a misdemeanor, and, upon conviction on an indictment in the Franklin Circuit Court, shall be fined not exceeding five hundred dollars and subject to removal by the Governor from office.

§ 11. Said Inspector and Examiner shall, within a reasonable time after the examination of each asylum, prison, feeble-minded or eleemosynary institution, or public work or office or officer, make a written report to the Governor of his work in each investigation, calling attention in specific terms to any mismanagement, misconduct, or misapplication, or extravagant use of money appropriated by the State, or in which

the State has an interest, by the person having charge thereof or any one else.

§ 12. If any officer shall, directly or indirectly, prevent or attempt to prevent, or obstruct an examination into his official conduct, or the conduct or condition of the office in his charge, or with which he is connected, by said Inspector and Examiner, as herein provided, he shall be deemed guilty of a high misdemeanor, and, upon conviction on indictment in the Franklin Circuit Court, be fined five hundred dollars and removed by the Governor from office. Officers, obstructions by. Penalty.

§ 13. If any person shall prevent, or attempt to prevent, or obstruct any investigation provided for herein by said Inspector and Examiner, he shall be deemed guilty of a misdemeanor, and, upon conviction on indictment in any circuit court having jurisdiction, be fined one thousand dollars. Persons, obstructions by. Penalty.

§ 14. Said Inspector and Examiner shall receive three thousand dollars per year and traveling expenses, payable monthly out of the Treasury upon the warrant of the Auditor. An itemized account of the expenses, verified by oath, to be made before paid. Inspector, salary and expenses.

§ 15. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1489.

AN ACT for the protection and propagation of fish in the waters of South and Main Elkhorn creeks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any person placing or using, in the waters of South Elkhorn creek and in the waters of Main Elkhorn creek, any fish-trap, set-net, dip-net, fish-rack, seine, bush or brush drag, or other such contrivance, or gig, spear, lance, or other such contrivance, or shall catch or take a fish from under a rock, shall be guilty Fish, how protected.

of a misdemeanor, and, on conviction thereof before any justice of the peace, shall be fined not exceeding five dollars for each offense; and in case of failure to pay such fine and the costs of prosecution, shall be confined at hard labor in the jail of the county for any length of time not exceeding one day for each two dollars of fine and costs so imposed. The proceedings before said justice shall be by warrant, to be tried by him as in other penal cases.

§ 2. That any person or persons who shall place in the waters of said creeks any lime or other deleterious substances, or any drug or medicated bait, or any explosive agent, with any intent thereby to injure, poison or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding twenty dollars for each offense; and on failure to pay the fine imposed and the cost of prosecution, shall be confined at hard labor in the jail of the county for a length of time not exceeding one day for every two dollars of said fine and costs. Any justice of the peace of the county wherein the offense is committed shall have jurisdiction to try and punish such offenses, proceedings by warrant as in other penal cases.

§ 3. That all fines collected for violations of any of the provisions of this act shall be paid into the treasury of the county in which said fines are imposed: *Provided, however,* That this act shall not be construed to prevent any persons from using trot-lines and gigs to catch or kill fish, or minnow-nets to catch minnows for bait.

§ 4. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1498.

AN ACT appropriating money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby ^{Appropriation of money.} appropriated to the following named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts:

§ 2. To the ministers of the gospel of Frankfort for their services in opening the Senate and House of Representatives with prayer during the present session, the sum of three hundred and fifty dollars, to be drawn by Willis Ringo and distributed equally amongst them.

§ 3. To Guy Barrett, for daily newspapers furnished the General Assembly during the present session, the sum of one thousand two hundred and seventy-three dollars and thirteen cents.

§ 4. To the Capital Publishing Company, for daily papers laid on the desks of the members of the General Assembly during the present session, the sum of six hundred dollars.

§ 5. To the Enrolling Clerks of the Senate and House of Representatives, the sum of ten dollars per day each.

§ 6. To the Assistant Enrolling Clerks of the Senate and House of Representatives, the sum of eight dollars per day each, from the 15th day of February, 1888, the close of the session.

§ 7. To the Sergeant-at-Arms of the Senate and House of Representatives, the sum of eight dollars per day each.

§ 8. To the Clerks and Assistant Clerks of the Senate and House of Representatives, ten dollars per day each, and to Harvey Keller and William Jenkins,

while acting as Second Assistant Clerks of the Senate and House of Representatives, the sum of ten dollars per day each. To the Chief Clerks and Assistant Clerks of the Senate and House of Representatives, ten dollars per day each, for ten days after adjournment, to complete the work of editing the acts and preparing them for publication.

§ 9. To the Door-keepers of the Senate and House of Representatives, the sum of eight dollars per day, each.

§ 10. To the cloak-room keepers of the Senate and House of Representatives, the sum of four dollars per day, each, for the time each served during the session.

§ 11. To the Pages of the Senate and House of Representatives and of the Governor, the sum of three dollars per day during the time they attended the session, for the time each served.

§ 12. Assistant in House cloak-room, the sum of two dollars per day during this session.

§ 13. To the Janitors in the Senate and House of Representatives, the sum of six dollars per day, each.

§ 14. To the Assistant Janitors in House of Representatives, the sum of five dollars per day, each.

§ 15. To the Speaker *pro tem.* of the Senate, the sum of five dollars per day for each day they served, the number of days of such service to be certified by the Clerk of the Senate.

§ 16. To the Speakers *pro tem.* of the House of Representatives, the sum of five dollars per day for each day they served, the number of days of such service to be certified by the Clerk of the House of Representatives.

§ 17. To the Speakers of the Senate and House of Representatives, ten dollars per day each and mileage.

§ 18. To Dan. Lynch, carpenter for the Senate and House of Representatives, the sum of two hundred and fifty dollars for services during this session.

§ 19. To Walker Peters, for extra services rendered

in Library during the present session, three hundred dollars.

§ 20. To B. W. Jenkins, for extra services at Sergeant at-Arms of the Senate, ninety dollars.

§ 21. To Mose Butcher, for extra services as janitor to committees in Adjutant General's office, twenty-five dollars.

§ 22. To Robert Williams, to services at the back capitol, in addition to sums heretofore allowed him during this session, two hundred and thirty-nine dollars.

§ 23. To Thomas Jenkins, for fourteen days' services as Page in Senate, forty-two dollars.

§ 24. To R. H. Nicol, for ice furnished the General Assembly at this session, sixty-nine dollars and thirty cents.

§ 25. To F. L. McChesney, for services as clerk to Joint Committee on Penitentiary, twenty-five dollars.

§ 26. To Amanda Butcher, for washing towels for use in Senate and House cloak-rooms, during this session, fourteen dollars.

§ 27. To Enos Berry, for carrying books from House to Clerk's office during this session, one hundred dollars.

§ 28. To Mose Butcher, for extra services waiting on Committees on Railroads, Agriculture, Religion and Morals, Military Affairs, etc., meeting in Adjutant General's office, fifty dollars.

§ 29. To J. W. Blummer, for services in Halls in Capitol, supplying fuel and keeping up fires from December 28, 1887, three dollars per day.

§ 30. To Chief Clerk and Assistant Clerk of the House of Representatives, for keeping the accounts of members and officers and making out warrants for salary, each one hundred dollars.

§ 31. To Chief Clerk and Assistant Clerk of Senate, for keeping the accounts of members and officers and making out warrants for salary, each forty dollars.

§ 32. To John C. Herndon, for use of assessor's blanks for three years, including 1889 (see bill and Auditor's remarks filed herewith), three hundred dollars.

§ 33. To W. J. Munster, for services as expert accountant in the investigation of the condition of the office of the Superintendent of Public Instruction, one hundred and seventy-five dollars.

§ 34. To G. W. Castle, for amount paid for post-office box rent for Senate during this session, two dollars.

§ 35. To Mrs. Kendall, for room rent for House Clerk's office during this session, ninety dollars.

§ 36. To Mrs. Mary Kiernan, for room rent for Senate Clerk's office during this session, ninety dollars.

§ 37. To Walter Goodwin and Jas. Noonan, fifteen dollars each, for delivering telegraphic messages to members during the session.

§ 38. To those persons who did engrossing and enrolling, the sum of twenty-five cents a page for each page enrolled or engrossed, and the Clerk of the Senate shall certify the names of those who did engrossing or enrolling for the Senate, and the number of pages engrossed or enrolled by each person for the Senate; and the Clerk of the House shall certify to the Auditor the names of those who did engrossing or enrolling for the House, and the number of pages so engrossed or enrolled by each person for the House.

§ 40. Lewis Harris, for carrying books from Senate to Clerk's office, fifty cents per day.

§ 41. To John G. McLean, for stenographic work and copying for committees, forty-five dollars.

§ 42. To Wm. Cravens, four dollars and fifty cents, for expenses while on the Agricultural and Mechanical College.

§ 43. To G. W. Castle, Sergeant-at-Arms of the Senate, for expenses of telegrams, witness claims and

expert before the Joint Committee to investigate the Louisville and Nashville Railroad Lobby, two hundred and ten dollars.

§ 44. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1500.

AN ACT to provide additional compensation for the Commonwealth's Attorney of the tenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, as additional compensation to what is Compensation. now received by the Commonwealth's Attorney of the tenth judicial district, the respective counties below named in said district may, in the discretion of the county court of claims, pay to said Commonwealth's Attorney not exceeding the following sums annually, viz: Fayette county, five hundred dollars; Fayette, Madison, Clark, Jessamine, Woodford. Madison county, one hundred dollars; Clark county, one hundred dollars; Jessamine county, one hundred and fifty dollars; Woodford county, one hundred and fifty dollars.

§ 2. The sums that may be allowed by the court of How paid. claims aforesaid of said counties, respectively, shall be paid out of the county levy as other claims against the county are paid.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1502.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How amended. § 1. That section 9 of article 9 of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886, be amended by striking out the word "November," in the seventh line, and inserting "December" in lieu thereof; and by striking out the word "September," in the eleventh and twelfth lines, and inserting in lieu thereof the word "November;" and by striking out the word "November," in the twenty-third line, and inserting "December" in lieu thereof. The number of the lines given in this act are as printed in the General Statutes, edition of 1887, prepared by Bullitt and Feland.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act to be in force from its passage.

Approved May 4, 1888.

CHAPTER 1503.

AN ACT to amend section 710, chapter 1, article 16, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judge of Mercer
quarterly court. § 1. That section 710, chapter 1, article 16, of the Civil Code of Practice, be amended so that if any summons on civil actions be issued by the judge of the quarterly court of Mercer county, in any case wherein he has jurisdiction, the same shall, after service, be returned before him for trial and judgment, and he

shall have jurisdiction to hear and determine all such cases.

§ 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

§ 3. This act shall only apply to the county of ^{Mercer county only.} Mercer.

§ 4. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1504.

AN ACT to punish certain offenses by officers of turnpike road companies in which the State is interested.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the president, board of directors or other officer charged with such duty of any turnpike road company in which the Commonwealth or county is interested as the owner of stock, shall fail or refuse to call a meeting of the stockholders at the time fixed by law for the election of a new board of directors, or has or shall interfere to prevent or shall prevent such an election, then the said president or directors, or both, or other officer who has or shall so fail or refuse or prevent said election, who shall, after the date at which the new board are entitled to go into office, assume to exercise the powers of president, director or officer, or to act as such president, director or officer, shall be guilty of a misdemeanor, and upon indictment by the grand jury of the county having jurisdiction of the offense, shall be fined twenty-five dollars for each day he shall so exercise said powers, or act as such president, director or officer: *Provided*, ^{When guilty of misdemeanor.} ^{Penalty.} ^{Proviso.} Said penalty shall not be inflicted upon any president, director or officer now in default in failing to call the meeting of stockholders or in preventing a new elec-

tion, who shall call a meeting of stockholders and cause an election to be held within ten days after this act shall take effect.

§ 2. This act shall take effect and be in force from and after the tenth day of May, 1888.

Approved May 4, 1888.

CHAPTER 1505.

AN ACT to add Rowan county, now in the fourteenth judicial district, to the thirteenth judicial district, and fix the time and manner of holding the circuit courts therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Rowan, now in the fourteenth judicial district, be, and the same is hereby, added to the thirteenth judicial district, and the terms of the circuit courts shall be held therein by the judge of the thirteenth judicial district, beginning on the first Mondays in February and August, and continuing six juridical days at each term, if the business of the court require it.

§ 2. That all writs, summonses and process, and all bonds, recognizances and subpoenas, shall be binding, and have the same force and effect as they would have had if this act had not been passed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1508.

AN ACT to prevent certain domestic animals from running at large in certain counties in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whoever, being the owner, or having in possession, or under his control, any domestic animal of the species of horse, ass, mule, cattle, sheep, goat, or swine, shall suffer the same to run at large, except as hereinafter authorized and provided, shall be fined not less than five dollars nor more than ten dollars for each offense. Owners and controllers. Penalty.

§ 2. The running or herding of such animals upon the public highway or uninclosed land, without the consent of the owners or persons having control of such lands, shall be deemed a running at large under this act. Construction.

§ 3. Justices of the peace shall have jurisdiction of cases arising under this act. Justices.

§ 4. Any person suffering damage from breaches of animals unlawfully running at large in any county or civil district in this Commonwealth where this act is in force, may recover damages in any court of competent jurisdiction, and shall have a lien upon stock until same is paid ; and it shall not be a defense for any owner of such animals that the lands trespassed upon were not inclosed by a lawful fence. Damages. Lien. Defense.

§ 5. Before this act shall take effect in any county or civil district in this Commonwealth it shall be submitted to the qualified voters of the county or district as hereinafter provided ; and when submitted to the voters of a county, this act shall take effect and be in force only in such magisterial districts in said county in which a majority of the votes cast were opposed to such animals running at large, and shall not be in force in districts in which a majority of the votes cast were in favor of such animals running at large. Submission. Where in force.

County judge to open poll. § 6. It shall be the duty of the judge of the county court of any county in this Commonwealth, upon a petition signed by one hundred of the legal voters of his county, to make an order in his order-book, at the next regular term of his court after he receives said petition, instructing the sheriff to open a poll in each voting district in the county at the next regular State or county election held therein for the purpose of taking the sense of the legal voters in said county upon the proposition whether or not any one or more species of animals designated in the petition shall be permitted to run at large in said county.

County judge, duties. Poll in city or town. § 7. It shall be the duty of the judge of the county court of any county in this Commonwealth, upon a petition signed by twenty-five or more of the legal voters in any magisterial district, city or incorporated town in any county in this Commonwealth, to make an order in his order book, at the next regular term of his court after he receives said petition, directing the sheriff of said county to open a poll in such district, city or incorporated town at the next regular election held therein, for the purpose of taking the sense of the legal voters in said district, city or town, upon the proposition whether or not any one or more species of animals designated in said petition shall be allowed to run at large in said district, city or town.

Duty of county clerk. Sheriff's duties. Advertisement. § 8. It shall be the duty of the county court clerk to give to the sheriff a certified copy of the order of the judge of the county court within ten days after such order is made, and it shall be the duty of the sheriff to have the order of the judge of the county court advertised by printed hand-bills, posted in at least five conspicuous places in each voting district where such vote is to be taken, for at least thirty days prior to the election.

Poll, by whom held. § 9. The same officers appointed to hold the State or county election shall conduct the election herein provided for, and it shall be their duty to propound to each voter the question: "Are you for or against

(naming the animals mentioned in the petition) running at large in this county, district, city or town?" Question to voters.
as the case may be, and his vote shall be entered for or against.

§ 10. The poll shall be returned, examined and compared as other polls are returned, examined and compared, and if it shall be ascertained that a majority of the votes cast were against such animals named in the petition running at large in said county, district, city or town, it shall be the duty of the examining board to certify the fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall cause the same to be spread upon the order book of his court, and said entry of said certificate in the order book shall be conclusive evidence in all proceedings under this act. Poll, how returned, etc.

§ 11. That sixty days after the entry of said certificate in the order book of the county court, it shall be unlawful for the species of animals mentioned in the petition to run at large in such district, city or town, as the case may be, and any person who is the owner or custodian of such animals and permit the same to run at large in said county, district, city or town, shall be punished as provided in section 1 of this act. When law shall take effect.

§ 12. The county judge shall not make the order for the election until the petitioners have deposited with him a sufficient sum of money to pay for clerks' fees, printing and posting handbills, as provided in section 8 of this act. Deposit for expenses.

§ 13. The election herein provided for in this act shall not be held oftener than every three years in the same county, district, city or town. Election, how often held.

§ 14. This act shall not be construed as to annul any city or town ordinance now in force preventing such animals running at large in such city or town. Construction.

§ 15. This act shall take effect and be in force from

Counties—where
act applies. and after its passage, and shall apply alone to the
counties of Warren, Woodford, Franklin, Garrard,
Union, Shelby, Grant, Carroll and Campbell only.

Approved May 8, 1888.

CHAPTER 1511.

AN ACT declaring the Pigeon Roost Fork of Wolf creek, in Martin county, navigable from its mouth to the lands now owned by Wallace J. Williamson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Extent. § 1. That the Pigeon Roost Fork of Wolf creek, in Martin county, is declared navigable from its mouth to the lands (now) owned by Wallace J. Williamson.

Water-gaps. § 2. That all persons owning or controlling lands on said stream is allowed to erect and keep water-gaps wherever it is necessary to do so, provided such water-gaps are always kept open at all times when the creek contains water sufficient to float saw-logs, and when the owner of said water-gaps is requested to do so by parties owning and desiring to float out saw-logs or other things that may be necessary to float out on said stream.

§ 3. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1521.

AN ACT to amend section 5, article 1, chapter 16, General Statutes, title "Clerks."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 5, article 1, chapter 16, General Statutes, title "Clerks," be, and the same is, amended by adding thereto the following, viz: "And he shall

keep a cross-index to said book, referring to all exe- Cross-index.
 cutions entered therein by the names of each plaintiff
 against the defendants, and in the name of each de-
 fendant *ads* the plaintiffs, and refer to the executions
 by their numbers, as numbered on said book. This Daviess county.
 act shall apply to Daviess county only.

§ 2. That this act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1525.

AN ACT to amend an act, entitled "An act in relation to the militia of this Commonwealth, and the organization of the Kentucky State Guard," approved April 8th, 1878, and the amendments thereto, approved respectively May 5th, 1880, and December 16th, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act in relation to the Militia.
 militia of this Commonwealth, and the organization of
 the Kentucky State Guard," approved April 8th, 1878,
 and the amendments thereto, approved respectively
 May 5th, 1880, and December 16th, 1882, be, and the
 same are hereby, amended as follows:

§ 1. It shall be unlawful for any body of men what- License, Govern-
 or to issue.
 ever, other than the regular organized militia of this
 Commonwealth, and the troops of the United States,
 to associate themselves together as a military company
 or other armed organization, or to drill or parade with
 arms anywhere in this Commonwealth, without the
 license of the Governor thereof, which license may, at
 any time, be revoked: *Provided*, That nothing herein Proviso.
 contained shall be construed so as to prevent benevo-
 lent or social organizations from wearing swords, or
 students in educational institutions chartered by the
 Legislature, wherein military science is part of the
 course of instruction, from drilling and parading with
 arms in public, under the superintendence of their
 instructors, or honorably discharged soldiers of the

United States Army from parading or doing escort duty with arms. This section shall not apply to the Louisville Light Infantry.

Exemption.

§ 2. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the county jail for a term not exceeding six months, or both.

Offenders.

Penalty.

§ 3. Unless otherwise specially ordered, all elections shall be held at the armory or other ordinary place of meeting of each company or other command; and field and staff officers may vote likewise at their ordinary headquarters.

Elections.

§ 4. The Adjutant-General shall order elections, on reasonable notice, before each term of office expires, and to fill vacancies; and all officers, except those of the staff, shall be elected by persons subject to military duty within their respective companies, battalions, regiments, or other commands, and the person receiving a majority of the votes cast shall be elected.

Adjutant-General.

Electors.

The mustering officer shall make a certified statement of the number of votes cast, and of the result of the election, direct to the Adjutant-General, who shall at once issue his order announcing the result, and the person elected shall, if not already a member of the State Guard, at once enlist in some company of the organization, and be thereupon entitled to command.

Mustering officer.

§ 5. No primary election in a company shall be valid unless at least forty votes be cast, but in all elections thereafter held in said company, the election shall be valid if a majority of the members of the company shall vote or be present; and when less than a majority of the members are present, the mustering officer may continue the balloting for such time as he may deem reasonable to enable a majority or all the members to vote.

Elections, primary.

§ 6. Where, by any accident or neglect, the term of a commissioned officer shall expire without an election

Commissioned officers—vacancies.

having been held to choose his successor, the office shall not be deemed vacant until his successor is elected and qualified, unless the resignation of such officer be accepted by the Governor, or he be dismissed from the service upon sentence of a general court-martial.

§ 7. Every staff officer shall, on receiving his commission, take the oath of office prescribed in the Constitution, and in addition thereto the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty." The person who administers the oath shall furnish a certificate thereof to the officer, and shall also indorse on the commission the fact of qualification. The certificate shall be immediately forwarded to the Adjutant-General.

§ 8. So much of section 24 of the act in relation to the militia, approved April 8, 1878, as requires regimental or battalion adjutants and quartermasters to be appointed from among the company officers, is repealed.

§ 9. It shall be the duty of the Governor, whenever he may deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence or other danger to the public interest makes it necessary to employ military force in aid of the civil power of the government, for the enforcement of law, or to preserve the peace and the security of the rights, lives or property of citizens, to order into active service so much of the State Guard or military force of the Commonwealth as he may deem necessary; and he may employ them anywhere in the Commonwealth.

§ 10. The military shall be at all times and in all places in strict subordination to the civil power.

§ 11. When in active service, the Governor may direct the commanding officer of the military force to report to any one of the following-named officers of

the district in which the said force is employed: mayor of a city, sheriff, jailer or marshal.

§ 12. A general court-martial shall be composed of
 Court-martial. not less than three and not more than seven commis-
 sioned officers of the line, field or staff, and shall be
 convened only by order of the Governor. Such court
 Jurisdiction. shall have jurisdiction of all offenses against the mil-
 itia or military laws of the Commonwealth, and the
 rules and articles of war, committed by persons in the
 militia or military service of the Commonwealth, and
 of like offenses against the Commonwealth in time of
 war or public danger, as are made cognizable by such
 court under the laws creating and governing the army
 Laws applicable. of the United States. And in all respects, except as
 may be otherwise specially provided by statute, the
 laws, rules and regulations governing general courts-
 martial and their proceedings in the army of the
 United States, shall apply to and regulate the militia
 or military force of the Commonwealth. But for any
 act done under color or in virtue of his office by a
 Liability. military officer, for which he may be civilly liable,
 the action shall be brought in the Franklin circuit
 court.

§ 13. On all judgments of general or company
 Judgments. courts-martial imposing a fine, a *capias pro fine* shall
 issue if the fine be not paid, and shall be executed
 by any sheriff, constable, marshal or jailer to whose
 hands the same may come.

§ 14. No member of the State Guard, or of the mil-
 itia of the reserve, shall improperly use any public
 Arms and equip- arm, equipment or property. For violation of this
 ments. section the penalty shall be a fine of not more than
 five dollars, if the offense be tried by a company
 Penalty. court-martial, and not more than fifty dollars if the
 offense be tried by a general court-martial.

§ 15. The staff of the Governor shall consist of not
 Governor's staff more than ten officers, as follows: an Adjutant Gen-
 and rank. eral with the rank of Brigadier General, who shall
 be *ex officio* chief of the staff; Commissary General,

Quartermaster General, and Inspector General, a Judge Advocate General, a Surgeon General, an Assistant Adjutant General, each with the rank of Colonel; and whenever he may deem it necessary for the public service, such aids or other officers corresponding with the staff corps of the regular army of the United States, as he shall appoint, whose grade shall not be higher than Colonel. The Governor may likewise direct the appointment by his subordinates, of the proper number of staff officers corresponding with those of the regular army of the United States. The duties of officers of the staff shall be such as are ^{Staff officers' duties.} prescribed by the statutes of this Commonwealth, and the laws, rules, and regulations, creating and governing similar offices in the army of the United States, so far as applicable, and subject to such modifications as the Governor may prescribe.

§ 16. It shall not be necessary to precede regimental ^{Regimental officers.} by battalion organizations; and in all regimental organizations there shall be elected one colonel, one lieutenant colonel, and one major.

§ 17. All laws or parts of laws in conflict herewith are hereby repealed.

§ 18 This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1528.

AN ACT to regulate the salaries of circuit judges in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the salaries of circuit judges in ^{Salaries.} this Commonwealth shall be three thousand dollars per year.

§ 2. That all acts or parts of acts inconsistent herewith be repealed.

§ 3. This act shall be in force from its passage.

Approved May 4, 1888.

CHAPTER 1529.

AN ACT in relation to the Penitentiary at Eddyville.

Preamble.

WHEREAS, By existing laws, certain classes of convicts are hired or leased to the Mason-Foard Company, to be worked outside of the prison walls; and whereas, it is the sense of this Legislature that the present system of working convicts outside the walls of the Penitentiary in competition with free labor it is unjust to the great labor interests of the State and in violation of the spirit of our penal laws; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Governor, authority.

§ 1. That the Governor is hereby authorized and directed to advance, with all reasonable rapidity, the construction and completion of the Eddyville prison, after the plans and specifications heretofore adopted, subject to whatever modifications he may find, after a full and mature consideration, to be to the best interests of the State.

To advertise for bids.

§ 2. That, with a view to accomplishing this end as speedily as may be possible, and, at the same time, at as little expense to the people of the State, the Governor is hereby authorized, after due advertisements, to consider bids from persons to contract, on the best possible terms, for a lease of said prison, conditioned upon the contractor undertaking to at once prepare the prison for the confinement of four hundred prisoners, and erect the necessary workshops, subject to the direction and wishes of the Governor; these buildings to be constructed promptly, as the labor can be utilized and the necessity for them may arise. He may contract with such parties, being the lowest and best bidders, for a term of years not greater than ten, and only on such terms as will, at least, relieve the State of all further expense in completing this prison and equipping it with the neces-

Contract.

sary machinery for the steady and constant employment of at least four hundred convicts; and also of all expense connected with the management of the prison during the term of their contract: *Provided*, Proviso. That all machinery, except the engine and boilers, necessary for the heating and ventilation of the cell-houses, shall not be chargeable to the State, but must be placed therein at the expense of the contractors, with the privilege of removing it at the termination of their contract.

§ 3. The construction and completion of these buildings shall be closely and diligently supervised by a commissioner appointed by the Governor, who shall be a practical, experienced man, whose duty shall be to see that only the best material is used, and the work done in a substantial and serviceable manner. The Governor is hereby authorized to clothe him with Authority. full power to arrest the work at the cost of the contractor whenever he may find that it is not being done in a workmanlike manner, or in accordance with the contract and plans and specifications.

§ 4. The laws now controlling and governing the Laws for prison. prison in Frankfort are hereby applied in full force to the Eddyville prison.

§ 5. If, however, it be found that a contract can not be effected by which the State can be saved of all further cost, then the Governor shall make, by partial work upon the buildings and temporary structures, the best arrangement in his power whereby the confinement of four hundred prisoners and their steady employment therein can be secured, it being the wish Governor—discretion. of the General Assembly to secure this end at the earliest possible moment; and that this end may be accomplished, the Governor is hereby authorized to General Assembly—wish of. use, in addition to the appropriation already made, a sum not greater than fifty thousand dollars, provided it is found that such a sum can be spared from the revenue of 1889 without embarrassing the general Governor may use additional money.

- Proviso.** expenditure fund for that year; and provided that no portion of this sum shall be used, except as it may appear that the desired end can not otherwise be accomplished, and that by the use of this sum, or some part of it, the prisoners now employed outside of the prison can be remanded to the walls under circumstances consistent with their being safely and comfortably housed and actively employed: *Provided,*
- Construction.** That nothing in this act shall be construed to repeal any act or part of act passed by this General Assembly in relation to the building or completion of the Eddyville Penitentiary, but shall be construed as in addition and supplementary thereto.

§ 2. This act to take effect from its passage.

Approved May 4, 1888.

CHAPTER 1531.

AN AOT to amend the common school laws so as to provide for the prompt and regular payment of the salaries of teachers of common schools.

- Preamble.** WHEREAS, It is probable that the amount of money due the common school fund for the school year 1888-89 will be collected and paid into the Treasury in ample time to pay the teachers of the common schools their salaries as hereinafter provided; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- School fund.** § 1. That, for each school year, beginning July 1, 1888, the Auditor of Public Accounts shall, on the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund due each county, to its county superintendent of common schools, as follows: On the first of October, two-fifths of the whole amount; on the first of November, one-fifth of the whole amount, and on the first of December, one-fifth of the whole amount, and on the first of January the residue.
- Distribution.**

§ 2. That each county superintendent of common schools shall, on the first Saturday in October, reckoning school months of twenty days, pay the amount due each teacher of a common school, for the month or months completed, but not for any fraction of a month, on the certificate of the board of trustees for the district that the school had been legally taught for that period; and, thereafter, the county superintendent shall, on the first Saturday of each calendar month, pay the salary due each teacher of a common school for the previous school month or months not previously paid for, on the certificate of the board of trustees for the district that the school had been legally taught for the period specified: *Provided*, That the last payment shall be for the entire balance due the teacher from the State school fund and the county surplus bond; and that any teacher who may violate his contract with the trustees by refusing to continue his school, shall forfeit any fractional salary that may be due him.

County superintendent.

Teachers, how and when paid.

Proviso.

Penalty.

§ 3. On or before the first Monday in September, 1888, each county superintendent must enter into covenant, before the county court of his county, to the Commonwealth of Kentucky, with sufficient security, in not less than double the amount of the school fund that may be due the county for that school year, to be approved by the court, for the faithful discharge of his duties, and the said bond shall be renewed for each successive year.

County superintendent.

Covenant

§ 4. As now provided by law, each county superintendent shall, with the penalties attached, on or before the first day of September next after the termination of the school year, settle his accounts for each school year with the county judge, and forward a copy of said settlement, certified by the clerk of said court to be correct, to the Superintendent of Public Instruction.

County superintendent.

Settlement.

§ 5. This act shall take effect and be in force from and after July 1, 1888.

Approved May 4, 1888.

CHAPTER 1534.

AN ACT to amend and reform the common school laws of this Commonwealth.

ARTICLE I.—COMMON SCHOOL SYSTEM.

II.—SCHOOL FUND.

III.—DISTRICT TAXATION.

IV.—BOARD OF EDUCATION.

V.—SUPERINTENDENT OF PUBLIC INSTRUCTION.

VI.—COUNTY SUPERINTENDENT.

VII.—DISTRICTS.

VIII.—DISTRICT TRUSTEES.

IX.—TEACHERS.

X.—TEACHERS' INSTITUTE.

XI.—DISTRICT LIBRARY.

XII.—COLORED SCHOOLS.

XIII.—FINES AND AMERCEMENTS.

ARTICLE I.—COMMON SCHOOL SYSTEM.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be throughout the State of Kentucky, a uniform system of common schools in accordance with the Constitution of the State and the provisions of this act, and that all laws now existing in conflict with this act are hereby repealed.

§ 2. The object of this chapter is to carry into effect the intention of the people of Kentucky, as expressed in the Constitution, in promoting the establishment throughout the State of a system of common schools which shall be equally accessible to the poor as to the rich.

§ 3. It is, therefore, declared that no school shall be deemed a "Common School," within the meaning of this chapter, or be entitled to any contribution out of the school fund, unless the same has been, pursuant hereto, actually kept by a qualified teacher for three

months in districts having thirty-five pupils or less, for four months in districts having more than thirty-five and less than forty-five pupils, and for five months for districts having forty-five or more pupils during the same school year, and at which every child residing in the district, between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying its expenses or not: *Provided, however,* That nothing herein shall prevent Proviso. any person within the district, over the age of twenty years, from attending a common school who will obtain the consent of the trustees and pay his tuition fees.

§ 4. Nothing in the last section shall preclude a Sec. 3 explained. school which is kept for a part of the year as a common school from being kept for the balance of the year as a select or private school, to which none but contributors may have the privilege of sending pupils.

§ 5. The school years shall begin on the first day of School year. July, and terminate on the thirtieth day of June.

§ 6. Twenty school days, or days in which teachers School month. are actually employed in the school-room, shall constitute a school month in the common schools of the State. Teachers shall only have the benefit of such Holidays. legal holidays as they actually observe. Six hours of actual work in the school-room shall constitute a school day; and under no circumstances shall the daily session, including recesses and intermissions, exceed nine hours in length. When the attendance exceeds fifty, Assistant teachers. the teacher shall employ, during such attendance, an assistant, whose scholarship and competency shall be acceptable to the trustees. The said assistant may be selected from among the more advanced pupils of the school, but in no case shall the school be left under the control of the said assistant.

§ 7. All pupils who may be admitted to common Pupils. schools shall comply with the regulations established in pursuance of law for the government of such schools. Willful disobedience and defiance of the

authority of the teacher, habitual profanity and vulgarity or other gross violation of propriety or law, shall constitute good cause for suspension or expulsion from school.

What books prohibited. § 8. No books, tracts, papers, catechisms, or other publications of a sectarian, infidel, or immoral character, shall be used or distributed in any common school, nor shall any sectarian, infidel, or immoral doctrine be taught therein.

Certificates. § 9. Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, and passed a proper examination before the county board of examiners on a series of questions prescribed by the State Board of Education, he shall be entitled to a certificate to that effect, signed by said county board, and approved by the Superintendent of Public Instruction, who shall affix thereto his official seal. The Superintendent shall prepare a proper form for said certificate.

ARTICLE II.—SCHOOL FUND.

School fund. § 1. The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system of common schools therein :

(1.) The interest on the bond of the Commonwealth, for one million three hundred and twenty-seven thousand dollars, in aid of common schools, at the rate of six per cent. per annum, payable on the first day of January and of July of each year.

(2.) The dividends on seven hundred and thirty-five shares of the capital stock of the Bank of Kentucky, representing a par value of seventy-three thousand five hundred dollars, owned by the State.

(3.) The interest on the bond issued for surplus, due the counties by the State, at the rate of six per cent. per annum, payable on the first day of January and of July of each year.

(4.) The annual State tax of twenty-two cents upon

each one hundred dollars of value of all real and personal estate directed to be assessed for taxation.

(5.) Twenty-two forty-sevenths of the special taxes derived from banks and other institutions of loan and discount, and from all other corporations required by law to be taxed.

(6.) Twenty-two forty-sevenths of all revenue received from licenses, and from fines and forfeitures.

§ 2. The foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the Treasury, and shall not be drawn out or appropriated, except as provided by this chapter, in aid of common schools. How drawn out.

§ 3. All officers of this Commonwealth whose duty it is to collect the special taxes, fines, and forfeitures, hereinbefore mentioned, shall, on or before the first day of June of each year, make a special report of the same to the Superintendent of Public Instruction. Collectors of special taxes.

§ 4. Hereafter, except as otherwise expressly provided in this chapter, no part of the common school fund, or of the revenue thereof, shall be used for any other purpose than the payment of teachers of common schools, legally qualified and employed, in pursuance hereof. School revenue.

§ 5. The Auditor shall keep the accounts in relation to this fund. He shall, once in each month, make a transfer to the credit of said fund of all receipts into the Treasury, for the benefit of the common schools up to the date of such transfer. He shall allow no expenditures on that account beyond the annual revenue of the fund, and shall see that no county draws more than its proper proportion. Auditor's duties.

§ 6. The net revenue of the fund accruing during each school-year, after the payment of whatever expenses may be incurred according to law by the board of education, or by special acts of legislation, shall constitute the sum to be distributed. But no fees to county judges or clerks, discount on checks, or other incidental expenses, shall be paid out of the dis- School revenue defined.

tributable share of the revenue apportioned to any county ; but such payment shall be made out of the county levy.

Pro rata, for
school-year.

Census returns.

Duty of Auditor.

§ 7. The Superintendent of Public Instruction shall, on or before the first day of July in each year, ascertain and estimate for the school-year, the *pro rata* share each child will be entitled to, according to the whole number of children between the ages of six and twenty years in the State, and the proportion thereof each county and each school district will be entitled to according to the whole number of such children residing in each county and each school district respectively, as shown by the returns of the county superintendent. If, at the time of making such estimate and apportionment, the census returns of the superintendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, on or before the first day of July, to file a copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which each school district in his county will be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school-year shall be taken into the account of the estimate and apportionment for the succeeding school-year.

School revenue
not called for.

§ 8. If, on or before the first day of January next after the termination of each school year, any portion of the revenue of that year previously apportioned to any county be not called for for common school purposes, the same shall remain in the Treasury to the credit of the county in which such district is situated, to be distributed the next year, with the interest on the bond, for the benefit of both the white and the colored

schools of said county. A detailed statement of the surplus amount to which each county is entitled shall ^{Surplus.} be made out by the Superintendent of Public Instruction, and filed and preserved in his office. The bonded ^{Bonded surplus, interest on.} surplus in the State Treasury to the credit of the counties, shall bear interest at the rate of six per cent. per annum, and the per capita derived from said interest shall be duly apportioned to each county and paid at the same time that the forty per cent. of the State fund is apportioned and paid.

ARTICLE III.—DISTRICT TAXATION.

§ 1. In any common school district in the State, in ^{District tax.} which the clearly ascertained will of the people shall be in favor of a district tax in aid of the common school therein, the levying of such a tax therein shall be lawful.

§ 2. The will of the people of any district in relation to such a tax therein, shall be determined by a vote of the qualified voters thereof, at the time and place and in the manner prescribed in the first section of the eighth article of the school laws for the election of district trustees; and any widow, spinster or ^{Consent, how obtained.} alien residing in any school district, who is a taxpayer, or who has children within the ages fixed by the common school laws to be educated, shall be deemed a qualified voter under this act: *Provided*, That ^{Qualified voters.} previously to the taking of such a vote, printed notices, signed by the county school superintendent of the county in which such district lies, and by the trustees of such district, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall have been posted by the chairman for fifteen days, at three or more prominent places in the district: *Provided further*, When lines dividing school districts pass through the lands of any person, dividing the same, the taxes shall be levied and paid to that district where the homestead may be situated. ^{Proviso.}

§ 3. That it shall be lawful to submit the question of local taxation any time, once a year, after notices have been duly posted, as above, by the chairman of the board of trustees at three or more prominent places in the district for fifteen days preceding : *Provided*, That when the amount, object and length of time are clearly and distinctly stated in the notices, the tax may be voted for three successive years.

§ 4. The officers of the election shall return a fair and true record of the votes taken for and against such a tax, certified and sworn to by themselves, before some officer authorized to administer oaths, to the county school superintendent, if he shall not have presided at the election, or to the county judge if the superintendent shall have presided ; and if it be found that a majority of those voting shall have voted in favor of such district tax, such fact shall be certified to the parties concerned, and it shall be the duty of the county school superintendent of the county to furnish the collector with the boundary of the district ; and said collector shall collect said district tax.

§ 5. That the board of trustees may appoint a collector of district taxes, who shall have power to collect by distraint as sheriffs are now empowered to collect the State revenue ; but the said collector shall not be allowed over six per cent. He shall be required to give bond for the faithful performance of his duties, and shall make settlement with the board of trustees. The duties prescribed for the sheriff in regard to the State revenue shall be complied with by said collector.

§ 6. The money thus raised shall be accounted for and paid over by the collector within two months after it has been voted, or subsequently upon the order of the trustees, in the same manner in which the sheriff is required to account for and pay over the State revenue to the superintendent of county.

§ 7. The money thus raised and paid to the super-

intendent shall be paid out on the order of the trustees, and the superintendent shall be responsible on his bond therefor. Taxes, how paid out.

§ 8. The chairman shall make settlement with the county superintendent for the money thus received at the time of making his report to the said superintendent, as required by the thirteenth section of the eighth article of this act, and shall show by vouchers how the money has been disbursed; and should the said superintendent discover any fraud or misappropriation of funds on the part of said trustee, it shall be his duty to proceed against him, as authorized by the fifteenth section of the eighth article of this act. Settlements.

§ 9. The county school superintendent shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised, and the manner in which it has been appropriated. County superintendent's reports

§ 10. The tax allowed under the foregoing sections shall not exceed twenty-five cents in any one year on the hundred dollars' worth of taxable property in the district. Tax limit.

§ 11. The provisions of the foregoing sections shall apply to all cities and towns reporting as one district, which have not now the privilege of levying a special school tax. Cities and towns affected.

ARTICLE IV.—BOARD OF EDUCATION.

§ 1. The Superintendent of Public Instruction, the Secretary of State, the Attorney General, and their successors in office, together with two professional teachers to be elected by them, shall be a body-politic and corporate, by the name and style of "The Kentucky State Board of Education." The two professional members of the board shall, before entering upon the duties of office, take an oath to perform faithfully such duties in the interest of the Commonwealth. Board of education.

Powers. § 2. The corporation may take, hold, and dispose of real or personal estate for the benefit of the common schools of the State.

President. § 3. The Superintendent of Public Instruction shall be president of the board, and, with two other members, may control its corporate action at any regular or called meeting of the board.

Meetings, compensation. Seal. § 4. The board shall meet only upon the written call of the president, and the members shall be allowed their actual expenses incurred in attending such meetings. Its corporate acts shall be attested by the signatures of the president, and his private seal shall stand in lieu of a corporate seal. The bonds, certificates of stock, and other evidences of property held by the board for common school purposes, shall be in the custody of the president, and the place of deposit shall be shown by the records of the board.

Duties. § 5. The State Board of Education shall constitute a standing committee, who shall prepare rules, by-laws and regulations for the government of the common schools of the State, which shall be adopted and enforced under the authority and direction of the county school superintendents, in all cases where the trustees shall fail to enforce the same; shall, from time to time, select and recommend a proper course of study, and suitable lists of text-books for all the common schools of the State, from which lists the county superintendents of the various counties shall adopt the books to be used in their respective counties, which books shall not be changed oftener than once every five years: *Provided, however,* That in any district where a list of text-books has been adopted and is now in use, no change in text-books shall be made in such district in a less time than five years from the time that list was adopted, or until the books are worn out. Said Board of Education shall recommend suitable works for district libraries, and such standard works and professional aids for

Text-books.

Proviso.

teachers as they may deem proper, on educational science and the arts of teaching.

§ 6. The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, United States' history, physiology and hygiene, and after July 1, 1889, the elements of civil government: *Provided, however,* That where there are as many as one-third in number of the pupils of any district, who are the children of other than English-speaking parents, their respective languages may be added to the foregoing course of study. No teacher shall be required, or under any obligation, to teach any other than the above common school branches in the common schools, unless it shall be so specified in a written contract with the trustees.

§ 7. Whenever it shall be made to appear, to the satisfaction of the county judge of any county of this Commonwealth, that there are indigent children in the county, who are not pecuniarily able to supply themselves with the necessary text books, then such books shall be supplied to all such children by the county judge, and paid for by an allowance made by said county judge, as provided for in section 1, article 3, chapter 27, of the General Statutes, not to exceed one hundred dollars in any county in any one year, provided said children attend the public school. It is hereby made the special duty of county and city school superintendents, and trustees of common schools, to report to the county judge the names of all such indigent children within their knowledge, and to see that the provisions of this section are faithfully executed.

§ 8. County superintendents and trustees of common schools shall report facts additional to those now required to be reported, whenever, in the judgment of the board, the interest of the cause of common schools in the State shall indicate the necessity thereof.

§ 9. The board shall have power to organize and keep in existence a State Teachers' Association, to be composed of the members of the board, all the officers and teachers connected with the common schools throughout the State, all officers and teachers connected with public free schools in any city or town in the Commonwealth, together with such other teachers and friends of popular education as the board of education may invite to become members of such organization, for the purpose of promoting the cause of common schools in the State. The association shall elect its own officers, and adopt by-laws and rules for its own government.

ARTICLE V. — SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. The Superintendent of Public Instruction shall take oath, and enter upon the duties of his office on the first Monday succeeding the inauguration of the Governor.

§ 2. His salary shall be two thousand five hundred dollars per annum ; besides which he shall be entitled to all office fixtures, stationery, books, postage, and fuel and lights needed to carry on the work of his office. He shall have power to appoint two clerks, viz: a chief clerk, whose salary shall be fifteen hundred dollars per annum ; a first assistant clerk, whose salary shall be eight hundred and fifty dollars per annum ; and to secure such extra clerical force as may be necessary to employ in accomplishing promptly the full measure of the work required in the office, for which one thousand dollars shall be appropriated for each successive school year ; all of which shall be paid out of the revenue proper.

§ 3. He shall keep his office at the seat of government, in such suitable buildings as may be provided, and shall devote his entire time and attention to the duties of his office.

§ 4. He shall keep an account of all the orders Accounts and records. drawn or countersigned by him on the Auditor, of all the returns of settlements, and of all changes in the office of county superintendent, which shall be furnished to the Auditor whenever required.

§ 5. He shall biennially, on or before the meeting of Biennial report. the General Assembly, make report of the condition, progress and prospects of the common schools; the amount and condition of the school fund; how its revenue for the two previous school-years had been distributed; the amount produced and disbursed for common school purposes from local taxation or other sources, and how and for what the same was expended; an abstract of the county superintendents' reports; the practical workings of the common school system of the State, with suggestions as to any alterations it may require; all of which, together with such other facts, statistics and information as may be deemed of interest to be known, he shall deliver to the Public Printer and cause to be printed a copy for Public Printer. each school district in the State, seven hundred and fifty copies for the use of the members of the General Assembly and for exchange with the Superintendents of Public Instruction of other States, and five hundred copies for distribution by the Superintendent according to his discretion.

§ 6. The Superintendent, in his report, shall set State Institutions to report to Superintendent. forth the objects, methods of admission, etc., of the Institutions for the Blind, the Deaf and Dumb, and the Feeble-minded; and, to aid him in his work, the superintendents of those institutions shall be required, annually, by the first day of September, to furnish the Superintendent of Public Instruction with such a condensed statement of their respective institutions as it would be profitable to publish.

§ 7. Copies of records and papers in his office, cer- Copies, evidence. tified by him, shall, in all cases, be evidence equally with the originals.

§ 8. He shall prepare suitable blanks for reports, Blanks.

registers, certificates, notices, and such other official documents as may be provided for in this chapter, and shall cause the same, with such instructions and information as he may deem necessary to a proper understanding and use of them, to be transmitted to the officers and persons interested with the provisions of the school law.

§ 9. It shall be his duty to report any neglect of duty, or any misappropriation of common school funds on the part of any of the county superintendents or trustees of common schools in this Commonwealth, to the county attorney, whose duty it shall be to prosecute such person in the circuit court of the county in which such neglect of duty or such misappropriation of funds may occur, whenever such neglect of duty or such misappropriation of funds shall come to his knowledge.

§ 10. He shall have published, for annual distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts, and of the Attorney General, on points of school law and construction thereof; information and instructions in regard to application of the school law and the management of the common schools; important official and legal periods of the school year, with due notices thereof; and such other important facts and data as may be of interest to the public.

§ 11. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction is empowered to recognize a superintendent from among the contestants until the case has been settled.

§ 12. The Superintendent of Public Instruction shall, at the written request of any county superintendent of common schools, decide any question of difference or doubt having reference to the interests of common schools in his county. The decision of the Superintendent of Public Instruction shall, in such case, be final, unless further appeal is promptly prosecuted

Neglect of duty
to be reported.

County Attorney's
duties.

School Laws to
be published.

Contested posi-
tions.

Superintendent's
authority to de-
cide.

Decision final
until appeal.

from his decision to the State Board of Education within thirty days. Before rendering any such opinion, the Superintendent may obtain the advice of the Attorney-General, whose opinion in writing shall be conclusive for the time, and sufficient defense against all parties. The decisions of the Superintendent of Public Instruction, and the opinions of the Attorney-General, shall be duly filed and duly recorded in a book kept for that purpose.

§ 13. Whenever he shall be informed that any donation, gift, or devise of any real or personal estate shall have been made to the common school fund of Kentucky, it shall be the duty of the Superintendent of Public Instruction to appoint some discreet person, who shall take charge of the real or personal estate so granted, devised or donated, and sell and dispose of the same, and pay the proceeds into the Treasury of Kentucky. Before said agent so appointed by the Superintendent of Public Instruction shall proceed to act, he shall give a bond, with good security, to the Commonwealth, for the faithful discharge of his duties as agent. Said bond shall be given in the county in which the donor, grantor, or devisor shall have died, or in the county in which the property is situated, the bond to be executed in, and approved by, the county court. The person so appointed shall make a settlement with the county court of his county once in each year, and shall pay into the Treasury the amount fund in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, not exceeding ten per cent. on the first five hundred dollars, and five per cent. on the residue, which amount said person shall retain in his hands out of the money collected. For any failure of the person so appointed to discharge the duties under this act, he and his sureties shall be liable to all damages sustained, and for all money collected,

Attorney General's decision to be recorded.

Donations.

How cared for.

Agent's bond.

Settlement.

Compensation.

Penalty.

with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The
 Suit. suit on the bond shall be in the name of the Commonwealth of Kentucky, and shall be instituted
 Powers. by the Commonwealth's Attorney. The person appointed by the Superintendent of Public Instruction shall have the same power, in collecting and settling the estate, as an administrator or executor now has by law; may institute and defend all suits in reference to said estate; sue and collect all notes, bonds, etc., and sell and convey the real estate by deed. The amount of money paid into the Treasury, under the provisions of this section, shall remain there until
 State Treasurer. disposed of by law; and the Treasurer and his sureties shall be liable for the same on his official bond. This section shall apply to all gifts, donations, or devises heretofore or hereafter made to the school fund of Kentucky: *Provided*, That the provisions of this
 Proviso. section shall not apply to cases where the terms or conditions of the devises, gifts, or donations conflict with said provisions; but in such cases, the terms or conditions of the devise, grant, or donation shall be carried out as intended by the person making the same.

§ 14. The Superintendent of Public Instruction
 Official visits. may, from time to time, visit each year, any and different portions of the State for the purpose of investigating and directing the operations of the common school system, and of promoting by addresses or otherwise, the cause of popular education. While engaged in this duty, his actual
 Expenses, how paid. expenses shall be paid out of the common school fund, but shall not, in any case, exceed five hundred dollars per annum.

§ 15. Upon retiring from office, the Superintendent
 Delivery of effects. of Public Instruction shall deliver to his successor all the books, papers, and effects belonging to the office; and, on failure to do so, shall be fined in a
 Penalty. sum not less than one hundred nor more than five

hundred dollars, to be recovered by indictment in the Franklin circuit court.

ARTICLE VI.—COUNTY SUPERINTENDENT.

§ 1. There shall be a county superintendent of common schools in each of the counties of the State, who shall be possessed of moral character and ability to manage the common school interests of his county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county, and to certify the same correctly. No person shall be eligible to the office of county superintendent who is not, at the time, twenty-one years old, a citizen of the United States, and who has not resided two years next preceding the election in this State, and one year in the county for which he is a candidate.

County Superintendent's qualification.

§ 2. The county superintendent shall be elected by the qualified voters of each county, at the regular August election in 1886, and every four years thereafter; and for that purpose a poll shall be opened at the election held, and the result certified at the same time and place and by the same officers and in the same way the election for sheriff of the county is held. And the officers who examine the polls shall make out and deliver a certificate of the election to the person so elected, and another copy to the judge of the county court, who shall cause the same to be recorded, a copy of which shall be made out by the clerk and transmitted to the Superintendent of Public Instruction within ten days after the election.

How elected, and when.

Certificate of election

§ 3. The county superintendent elected and qualified under this act shall hold their offices for four years, or until their successors are elected and qualified.

Term of office.

§ 4. No person shall be eligible to the office of county superintendent unless he shall have first obtained from the State Board of Examiners a certificate of qualification of the grade of a county

County Superintendent, who eligible.

certificate of the first-class, which may be granted on an examination held before said board; or upon a written examination held by the county judge, county clerk, and a competent person selected by them, upon a series of questions prepared and forwarded under seal by the State Board of Examiners to the county clerk, and by him kept under seal till the hour of examination, and then opened in the presence of the other examiners and the applicants for certificates. In case of sickness or other disability of either the county judge or county clerk, his duties herein prescribed shall devolve upon, and be performed by, the county attorney. The examinations shall be held in every county of the State on the last Saturday in June next preceding the election of county superintendent, and the written answers of each examination shall be immediately forwarded to the State Board of Examiners, together with a fee of three dollars and the sworn statements of the county judge, county clerk, and the person selected by them, that the examination had been conducted in their presence in strict accordance with the provisions of this section, and that no applicant had, directly or indirectly, received assistance. The State Board of Examiners may, if they deem the answers sufficient, grant a certificate, and, if they refuse it, shall notify the county clerk, and no certificate can then be granted the said applicant for the election then pending. The said certificate shall not entitle the holder thereof to teach in the common schools.

§ 5. No county judge, justice of the peace, circuit clerk, county clerk, county attorney, county surveyor, sheriff, coroner, assessor, or teacher while engaged in teaching, shall hold the office of county superintendent of common schools.

§ 6. The county superintendent shall, before entering upon the discharge of the duties of his office, take the oath of office, and enter into covenant before the county court of his county, to the Commonwealth

of Kentucky, with sufficient security, to be approved by the court, for the faithful discharge of his charges.

§ 7. The county superintendent shall have power to Powers. lay off, alter, abolish, or consolidate districts, and if necessary may lay off anew the districts throughout the county. He shall condemn any school-house School-houses. which is dilapidated, unhealthy, or otherwise unfit to be occupied for the purposes of a common school, and shall notify the trustees thereof in writing. He shall, at least once a year, after not less than three days' printed notice to the trustees and patrons, make an official visit to each district school of his Official visits. county, but shall not make more than three such official visits in any one day. At the time of such Records to be kept. visit, he shall note in a book, to be kept for that purpose, the number of pupils in attendance; the number absent, and the cause of absence; the names of children unable to purchase books; the condition of the school-house grounds and appurtenances; the qualification and efficiency of the teacher; the conduct and standing of the pupils; the method of instruction; the discipline and government of the school. In the visits to the schools he shall advise Duties. with the teachers, and give them such instruction regarding discipline and teaching as he may deem necessary; he shall counsel the trustees and see that they discharge their duties, especially in securing full and regular attendance; and by every means in his power strive to promote and advance the cause of common schools.

§ 8. It shall be the duty of each county superintendent, on or before the first day of June of each year, to prepare, mail to, and cause to be placed in the hands of the Superintendent of Public Instruction, a report, certified by the county judge or county clerk as having been sworn to by him, showing the whole number of children between the ages of six and twenty years residing in his county, and the whole number residing in each district, described by its number; and he shall Reports to Supt. Public Instruction.

Responsibility. be individually responsible to the teacher for any loss sustained by said teacher by reason of any error made by the said superintendent in reporting the census of the district. He shall base his report upon the census taken during the month of April, and reports thereof made to him by the district trustees. If such reports are not in from any district by the tenth day of May, the county superintendent shall appoint a suitable person to take the census of such district.

Report, basis of.

Census, in absence of report.

§ 9. In cities or towns organized as one district, and reporting direct to the Superintendent of Public Instruction, the provisions of this section shall equally apply, or may report for the whole amount due said city or town in January, if they desire it. In either case the president or chairman of the school board of such cities or towns shall make the report required of them by this act, under oath, direct to the Superintendent of Public Instruction, and he shall draw his warrant on the Auditor of Public Accounts in favor of the treasurer of such school board, which, when approved and countersigned by the Superintendent of Public Instruction, shall entitle such treasurer to a warrant on the Treasury of the State for the amount thereof; and said treasurer and his securities shall be accountable for the same upon his official bond in any action by such school board.

Cities and towns, when section is applicable to.

Form of proceeding.

§ 10. Any county superintendent who shall knowingly and willfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county, greater than the number of such schools actually taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children therein, or otherwise knowingly and willfully misstate any fact or facts which he is, or may be hereafter, required by law to report to the Superintendent of Public Instruction, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, on indictment in the circuit court, be fined in

County Superintendent, false reports by.

Misdemeanor.

a sum not less than two hundred nor more than five Penalty.
 hundred dollars, or imprisoned in the county jail not
 longer than six months, or both fined and imprisoned,
 in the discretion of the jury.

§ 11. Each county superintendent shall, on or be- Settlements, gen-
eral.
 fore the first day of February annually, after this act
 goes into effect, settle his accounts for such school
 year, as far as the districts may have been taught out,
 and paid, with the county judge of his county, and
 forward a copy of said settlement, certified by the
 clerk of the said court to be correct, to the Superin-
 tendent of Public Instruction. If said settlement at
 said time does not include a full settlement for all
 money drawn and paid to said county superintend-
 ent, then on or before the first day of August suc-
 ceeding the termination of each school-year he shall
 make a supplementary settlement for the balance not Supplementary.
 before accounted for in a similar manner as hereinbe-
 fore provided for in this section. Said settlement Settlements, con-
tents of.
 shall embrace all sums received since the date of his
 last settlement by said county superintendent for the
 benefit of common schools taught during the school-
 year; a full statement of all such sums paid out by
 him, for what, to whom, and when paid; and should
 any part of said fund received by him, as aforesaid,
 remain uncalled for, and not paid out, and will not be
 called for, he shall immediately refund said amount Surplus, to be re-
funded.
 to the State Treasurer, stating at the same time why
 it was not called for, and to what district it belongs,
 and at the same time notify the Superintendent of
 Public Instruction that he has refunded the said
 amount, that he may give said county superintendent
 proper credit on his books for said amount refunded.
 The receipt of the Auditor for money refunded shall Notice sufficient
voucher.
 be a sufficient voucher with the county judge in said
 settlement.

§ 12. He shall, previously to the first day of Sep- County Superin-
tendent, official
report of.
 tember, prepare and mail, and cause to be placed in
 the hands of the Superintendent of Public Instruc-

tion, his official report, showing tables of details and aggregates, the school districts of his county by number; the districts in which schools were taught, and the length of time taught, and those in which no schools were taught; the highest, lowest, and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies, or colleges taught in the county, and length of session of the same; the number of teachers employed—male, female, and total—for the common school; the average wages of male teachers, female teachers, and of total teachers per month; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed; the number and kind of school-houses, and the value of each; the number of school-houses built, and value of each; the number of district libraries, and number of volumes in each, and the increase during the year; the amount he has received for official compensation and expenses. For failure to be present at his office at the time appointed to receive reports, or for failing to make the report herein required, he shall be fined in a sum not exceeding fifty dollars.

Contents.

Penalty.

Records to be kept.

§ 13. Each county superintendent shall keep a detailed account of all money received and distributed by him, a record of all business transacted by him as county superintendent, together with the reports of the trustees, the names, numbers and description of school districts, and all other papers and documents connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common schools.

Devise, etc., how held.

Settlement of.

§ 14. Any devise, gift, or donation of any real or personal estate in aid of the common schools of any county of this State, shall be held in trust by the county superintendent; and he shall be required to make settlement in regard thereto, in the same manner

in which, and at the time when, he makes settlement in regard to the moneys received from the revenue of the school fund; and he shall send a copy of such settlement to the Superintendent of Public Instruction.

§ 15. A county superintendent may administer the oath required of a trustee or teacher of common schools, or of other persons required to make oath in matters relating thereto. May administer oaths.

§ 16. He shall attend at his office on the fourth Saturday in June every year, to administer the oath of office to trustees elect; but it shall be lawful for any justice of the peace to administer the oath of office to any trustee, provided the fact is reported by said justice within ten days thereafter to the county superintendent. He shall make a record of the names of trustees then qualified, showing the districts in which they were elected, and the post-office of each. He shall at that time deliver to the trustees of each district such blanks as they will need for the coming school year, and give such information with regard to their duties as may be requested. He shall address all official correspondence to the trustees. Notice to them shall be regarded as notice to the people of the district, and it shall be the duty of the trustees to notify the people. Presence in office. Justices may administer oaths. Record. Blanks. Notice.

§ 17. It shall be the duty of the county superintendent to be in attendance at his office, at the county seat, on the first Saturday of each month, and at such other times as may be necessary to transact his official business. County Superintendent, when to be in his office.

§ 18. In cases of controverted right to the office of trustee, the county superintendent is empowered to recognize a trustee from among the contestants until the dispute has been settled. Contention for office of trustee.

§ 19. It shall be his duty to conduct or superintend in person the examination of all persons offering themselves for positions as teachers of the common schools of his county (except in cities and towns Examination of teachers.

organized as one district by special acts of the General Assembly), in regard to their moral character, learning, and ability to teach and manage said schools; and he shall give a certificate of qualification to no teacher whom he has not personally and sufficiently examined, or who has not been sufficiently examined in his presence, as hereinafter provided for; and for any violation of the above specified duties, he shall be liable to a fine of not less than twenty nor more than fifty dollars.

§ 20. The county superintendent shall pay the teachers their salaries direct, upon the certificate of the trustees that the school has been taught.

§ 21. No county superintendent shall be allowed to buy for himself or another, any teacher's claim, directly or indirectly, or to act as agent for the sale of any text-book, under the penalty of removal from office by the Superintendent of Public Instruction.

§ 22. That for incompetency, neglect of duty, immoral conduct, or other disqualification, the county superintendent may suspend or remove any teacher or trustee from office, except in cities or towns organized as one district; and when from such cause, or from death, resignation, or any other cause, a vacancy in any one of the above named offices occurs, it shall be the duty of the county superintendent to proceed, within ten days after such vacancy occurs, or as soon thereafter as practicable, to supply the same by appointment.

§ 23. The county superintendent shall decide all questions of difference or doubt having reference to the interests of common schools in his county; but appeals from his acts and decisions may be had, on petition of any interested person, to the board of education. The county superintendents shall conform to such reasonable rules and requirements as the Superintendent of Public Instruction shall, from time to time, prescribe and announce to them.

§ 24. For all the services rendered and the expenses

incurred by the county superintendent under the provisions of this act he shall be allowed a salary annually by the court of claims of his county, based on the number of pupil children reported in the census report of the district trustees of such county. Which salary shall not be less than ten cents, nor more than twenty cents, for each pupil child thus reported: *Provided*, The said court shall be satisfied that the said services had been faithfully and efficiently performed according to law. Said salary shall be paid out of the county levy as the salaries of the county judge and county attorney are now paid; and in his report to the Superintendent of Public Instruction, the county superintendent shall state the full amount thus allowed him by the court of claims for his official services: *Provided*, That no superintendent shall receive a greater salary than fifteen hundred dollars: *And provided*, That in fixing the salary of the said superintendent, no child shall be counted or enumerated who is under an independent or different superintendent than that of the county superintendent.

§ 25. In the case of the death, removal, or resignation, or inability of the county superintendent elected, or in the event of a vacancy, or for any other cause, the presiding judge of said county is hereby authorized to appoint a successor, duly qualified according to section 4 of this article, to continue in office until the succeeding annual election, when one shall be elected. Nevertheless, it shall be competent for the county court, at any regular session, to remove a county superintendent for inability, for habitual neglect of duty, or for malfeasance in office. An appeal may be taken from the order of the county court removing the superintendent to the circuit court, and from the circuit court to the court of appeals, as in civil actions.

§ 26. Each county superintendent, when he resigns, vacates, is removed or goes out of office, shall, within ten days thereafter, deliver to his successor, or to the

County Superintendent, compensation of.

Proviso.

Salary, how paid.

Proviso.

County Superintendent.

Vacancy—how filled.

Appeals.

Property to be returned.

county court clerk for him, any money, property, books, effects or papers remaining in his hands as county superintendent, and for failure to do so, shall be fined not more than one hundred dollars.

Penalty.

§ 27. In case of a defaulting and absconding county superintendent, the Governor, upon information thereof being furnished by the Superintendent of Public Instruction, shall offer a reward, not exceeding in amount five hundred dollars, for his arrest and delivery to the jailer of the county from which he had absconded.

County Superintendents, defaulting.

Reward for.

ARTICLE VII.

§ 1. The school districts of the several counties, as at present described and numbered, shall be retained until altered or abolished pursuant to this chapter; but no two districts in the same county shall be known by the same name or number. No change in the boundary of any district shall be made to take effect during the current school-year, unless made previous to taking the census for such school-year. Nor shall the boundary of any district be enlarged, unless notice, in writing, be first given to the trustees of other districts to be affected thereby.

School districts defined.

§ 2. No district shall include more than one hundred children between the ages of six and twenty years, unless it contains a town or village within its limits, or there be established therein a high school, academy, or college, entitled, pursuant to this chapter, to a share of the revenue of the common school fund; and no one shall contain less than forty such children, except in cases of extreme necessity, and in no case less than twenty. In all cases where the number of such children shall exceed one hundred or fall below forty, the county superintendent shall report the reason thereof in his report to the superintendent.

Number of children in district.

Boundary.

The boundary of no district shall extend more than sixteen square miles in area, unless it be necessary to enlarge the same so as to include the minimum num-

ber of children. Each school-house hereafter erected shall be located as near the center of the district as practicable. School-house, location of.

§ 3. The county superintendent shall, in a book kept in his office for that purpose, and subject to public inspection, describe each district in his county by its number and boundary, and shall furnish to the trustees of each district a description of the boundary thereof. District, how described.

§ 4. The county superintendents of two adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both counties. Such district shall be reported, together with its census of pupil children, only as belonging to the county in which the school-house of the same may be situated, by the county superintendent of said county; and he shall make report and draw for the whole district, as though it lay entirely within his county. Divided district's.

§ 5. When two school districts adjoin, it shall be lawful for the children of either of such adjoining districts to be taught in and at such school-house as may be most convenient to them: *Provided, however,* That their per capita or tuition fees shall be paid over to the teacher of that district in which they may be taught; and that no such change shall be made without the assent of the trustees of both said districts in writing. In case of an agreement of the kind provided for in this section, the trustees of the district in which the children were reported shall notify the county superintendent, and he shall deduct the per capita or tuition fees of said pupils from the district giving permission, and pay them over to the teacher in the district in which they were taught. Provisions as to divided districts.

§ 6. When a city, town or village establishes and maintains a system of common schools adequate to the teaching of all the children therein, and which all applying for instruction are permitted to attend Schools in cities, towns, etc.

free of charge, the same shall be deemed one district, and entitled to its proportion of the school fund. Such city or town shall, through its school agents or other officers deputed for that purpose, make its annual report to the county superintendent of the county, for the several schools therein, at the time and in a similar manner to that required of the trustees of a district. They shall take the census of the children therein, and make return thereof to such county superintendent as, and at the time, trustees are required to do; and shall, for neglect or violation of their duties in that respect, be liable to the same penalties. The county superintendent shall have no control over the schools in such districts; but the same shall be governed in all respects by the local authorities.

Control of.

§ 7. But this act is not to affect, modify or repeal any local or special law which establishes any city or town in one district, but the same shall be governed in all respects by the local laws and authorities, and it shall in nowise affect the charter and amendments thereto of any city or town in the Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this act affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college, or other institution of learning in this State.

Construction of
act

ARTICLE VIII.—DISTRICT TRUSTEES.

§ 1. Each school district shall be under the control of three trustees, who shall be of good moral character, and, when not impracticable, able to read and write, one of whom shall be elected each year for the term of three years, to fill the place of the trustee going out of office. The election shall be held at the school-house, and if no school-house be in the district, at such convenient place as the trustees may select, from one o'clock *post meridian* till six o'clock,

District trustees,
qualification.

Term of office.

Election.

P. M., of the first Saturday of June each year, notice thereof having been posted by the trustees at three of the most public places in the district for ten days immediately preceding the day of election. At this election the qualified voters of the district shall be the electors; and any widow having a child between six and twenty years of age may also vote. No person except the county superintendent of common schools, or a resident of the district, shall act as judge of that election. The judge, if not a county superintendent, shall be appointed by the county superintendent; and if the person so appointed, from any cause, fail to act, then a majority of the voters present at the time for opening the polls shall elect a judge. The judge of the election shall give the casting vote in case of a tie, provided he has not theretofore voted, and give a certificate of election to the person elected, signed by himself; and report the trustee thus elected, in writing, to the county superintendent of the county within five days after the day of election. In case of a tie in which the Judge has voted, then he shall certify the fact of a tie to the county superintendent, and the county superintendent shall select from the persons who are tied, the trustee, and give him a certificate, and the trustee so selected shall act until his successor is duly qualified. The trustee so elected shall hold office for three years from the first day of July succeeding his election, and until his successor is elected or appointed and qualified. Any two of the trustees may constitute a quorum to transact the business pertaining to their office. The trustee having the shortest time to serve shall be chairman of the board of trustees, whose duty it shall be to preside at all its meetings, and to make the reports, and to perform all other such acts and duties as required by law of trustees; and in case of neglect or non-performance of duty, the one so remiss of duty shall be subject to like fines and penalties as imposed by law on trustees for neglect of duty or other violations of

Electors.

Judges.

Certificates.

Report.

Tie.

Term of office.

Quorum.

Chairman.

Penalties.

Proviso. the law. This act shall in nowise impair the tenure of office by the trustees who have been duly elected or appointed under the present school law.

Election, frauds in, etc. § 2. Any person who may be chosen to preside over the election of a school trustee in any school district in this Commonwealth who shall knowingly and with intent to commit a fraud, receive and count any illegal vote, or issue a certificate of election to any person not entitled thereto, or shall refuse to issue such certificate to any one duly elected, or who shall fail, for five days after the election, to report the name of the person thus elected trustee to the county superintendent; any person who shall, with fraudulent intent, deface, mutilate, or destroy the records of any such election, shall be fined the sum of fifty dollars for every such offense, or be confined for twenty days in the county jail in default of the payment of such fine, and it shall be the duty of the county superintendent to report such offenses to the grand jury.

Penalty.

Vacancy. § 3. If from a failure to qualify according to law, or from any other cause, there be a vacancy in the office of trustee, the county superintendent of the county shall supply the same by his appointment, in writing, and the trustee so appointed shall hold his office until the next election, or until his successor be elected and qualified.

Trustees a body corporate. § 4. They and their successors shall be a body-politic and corporate, with perpetual succession, by the name of the trustees for their school district; and, as such, may sue and be sued, take, hold, and dispose of real and personal estate, for the maintenance, use and benefit of the common school of their district, and receive and enforce payments of subscriptions for the like purpose. Their private seals or scrolls shall stand in lieu of a corporate seal.

Record books to be furnished. § 5. The Superintendent of Public Instruction shall, through the county superintendents, furnish the chairman of each board of trustees with a trustees' record-

book, which shall be the property of the State, shall be well preserved, shall be open at all times to public inspection, especially by the trustees and county superintendent, and at the expiration of the chairman's term shall be turned over to his successor. In the said book the chairman of the board of trustees shall, with pen and ink, keep a careful record of the following facts:

The name, number, and boundary of the district; Facts to be recorded. names of the trustees, and when each was elected or appointed and qualified; the time for which each shall serve; each annual census as reported to the county superintendent; any changes of boundary of the district; the dates and number of visits of the trustees to the school; a copy of the contract with the teacher, and the grade of his certificate; each district election, with the time and purpose, and names of its officers; each meeting of the trustees, with the purpose thereof, and the business transacted; the beginning and close of the school term, with the holidays and vacations therein; the money received, with the sources thereof, and for what the same has been disbursed; and such other facts as the county superintendent or Superintendent of Public Instruction may require.

§ 6. The trustees, with the consent of the county superintendent, may take land, by purchase or donation, for the purpose of creating thereon a school-house, provide for and secure the erection of the same, construct such out-buildings and inclosures as shall be conducive to the protection of the property and the comfort and decency of the pupils and teachers, make repairs, and provide the necessary furniture Furniture, etc. and apparatus. They shall have power to recover for any damages that may be done the property in their charge; and they may change the location of the school-house, sell or dispose of the old site, and use the proceeds thereof towards procuring a new one. Damages. Sale of lands, etc. If they can not agree with the owner of any land

most suitable for a school-house site as to the price and terms of purchase and sale thereof, they shall apply to the judge of the county court by petition, in which they shall set forth by metes and bounds the land they seek to condemn, and the county court shall issue a writ of *ad quod damnum*, directed to the sheriff to be executed and returned to said court, as in case of condemning lands for the use of railroad and turnpike companies; and upon return of said writ, duly executed, and upon the payment in court, for the benefit of the owner, the amount ascertained by the verdict of the jury, the said court shall issue a writ requiring the sheriff to put the trustees in possession of said lot, and cause a deed to the land, by a commissioner, to be made to the trustees and their successors, which deed shall be duly acknowledged and recorded in the office of the clerk of the county court; and, thereupon, the title to said lot shall vest in said trustees and their successors in office: *Provided*, They shall not have the right to condemn any private property, which is used by the owner as a residence, garden, orchard or burying-ground. The quantity of land thus condemned shall in no case exceed one acre. A majority of the school electors of any district may appeal from the decision of the trustees, in the location of the school-house, or site for the same, to the county superintendent of the county, whose decision in the case shall be final. In such location, it shall be made as near as practicable to the center of the district as will be convenient of access to all the inhabitants of the district; and the trustee shall make provisions for such roads or pass-ways to the school-house as will accommodate all the pupils who may be entitled to attend, and may apply to the county court having jurisdiction to open the same, as other road-ways are opened for public necessity and convenience.

Condemnation of
land.

Proviso.

Appeals.

Location of
school-houses.

§ 7. Whenever the county superintendent notifies the trustees that a school-house has been condemned

and needs repairing, or in any case it becomes necessary to purchase a site and to build a new school-house, then the trustees shall order a per capita tax not exceeding one dollar per year for three years, if necessary, on each male in the district over twenty-one years of age, which may be paid in work at one dollar per day, or in material at a price fixed by the trustees; and a tax not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district per year, for three years if necessary, to be collected as similar State taxes are; and such tax shall be applied to the repairing or to the purchase of a site, and to the erection and furnishing of a school-house adapted to the wants of said district. The school-house may be built of logs, stone, brick, or plank, but must be of sufficient size to accommodate the children of the district, and have a chimney of stone or brick, where a fire-place is used, or where a stove is preferred, a pipe so protected as to secure the building from fire; it shall have glass windows to afford sufficient light, and suitable seats and writing tables for the children of the district; and said house, when completed, shall have a property value of not less than one hundred dollars. When a school-house is to be built, the trustees of the district shall apply to the county superintendent for specifications and plans for model school-houses, and the superintendent may furnish the same, being duly provided therefor by the Superintendent of Public Instruction, and the school-house may be built upon one or the other plans furnished—as nearly as the circumstances of the district will allow. Said tax shall be collected by a collector appointed by the trustees and paid over to the county superintendent. The amount collected from said district shall be paid out on the order of the trustees, and the county superintendent shall be under his bond for the proper disbursement of all such funds. If the trustees of any common school district fail, for the period of six

Condemned
school-houses.

Property tax,
how ordered.

How paid.

Duration of tax.

School-house,
how built.

Plans.

Tax, how col-
lected.

How paid out.

Failure to build.

months after the building of the school-house has been properly ordered, to have a good and sufficient school-house in their district, the county superintendent shall report such failure to the grand jury at its next meeting, who shall indict the said trustees for such failure, and, upon conviction, each of said trustees shall be fined not less than twenty-five dollars, unless he can show a good and satisfactory reason to the trial jury for such failure.

§ 8. The trustees shall have power to assess and collect a poll or capitation tax of not more than two dollars per annum on each of those who actually send a child or children to the common school of the district, which may be collected by warrant before a justice of the peace, the proceeds of which shall be used for providing the school-house with fuel, and defraying other necessary expenses incident to the comfortable conduct of the school: *Provided*, Said poll or capitation tax may be discharged by the party or parties upon whom the same may be levied, by the delivery of wood or coal in value equal to the tax imposed, or by the performance of such labor as may be necessary to the comfortable conduct of said school.

§ 9. The trustees shall employ a qualified teacher, agree with him as to compensation, and for good cause, of which he shall be first notified in writing, remove him, subject to the approval of the county superintendent. The contract between the teacher and trustees shall be in writing, signed by the teacher and at least two of the trustees, or the same shall be null and void. The trustees shall not permit any person to teach any private or other school in any district school-house unless the said person shall first have obtained a certificate to teach from the county board of examiners.

§ 10. During the two weeks preceding the opening of the school, the trustees shall visit all the parents of pupil children and urge upon them the necessity of prompt and regular attendance at school. They shall

make careful inquiry as to whether any children are unable to purchase the necessary books, and immediately report the names of all such children to the county superintendent only. During the progress of the school the trustees shall ascertain the causes of all non-attendance of children, and shall remove such causes, if practicable. Duties.

§ 11. The board of trustees shall meet at the school-house on the day of opening the school, and at the same place at least once a month thereafter during the session of the school. At each meeting they shall consider: (1.) The condition of the school-house, furniture, apparatus, and surroundings. (2.) The work of the teacher and of the school. (3.) The attendance and how to increase it. (4.) The needs of the school, such as fuel, brooms, buckets, crayons, desks, blackboards, books, &c. They shall provide for any deficiency that may exist in any of these respects, and see that the regulations for the government of the school are complied with, and that the teacher performs his duty. Upon complaint of the teacher in writing, the trustees shall have power, after investigation, to suspend a pupil, or expel him from school. Trustees, meetings.
Business.
Duties
Powers.

§ 11a. When any family shall have any infectious or contagious disease, no member of such family shall attend any school until the trustees thereof shall allow them to do so. Infectious or contagious diseases.

§ 12. It shall be the duty of the trustees of each district annually, during the month of April, to take an exact census of all the children then residing in such district, who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May, report a list of the same to the county superintendent, specifying the name, age, sex, and names of the parents or guardian of each child. Should said trustees willfully add to the list the names of persons not entitled to be placed on same, or otherwise knowingly make a false list, such person thus offending shall, in addition Census.
Penalty.

to being liable to punishment for the crime of perjury be subject to a fine of not less than fifty dollars; and should any other school officer be a party to such fraudulent lists, or any way aid in the commission of such fraud, he shall be liable to the same punishment. For a failure to take such census, and report the same within the time and in the manner herein required, the trustees shall be liable to a fine of not less than twenty dollars; and said trustees shall not take the census of any children who have recently removed into the district, and who had been previously reported in the census of pupil-children for the year in the district from which they have removed, but any pupil child who may not have been reported in the district in which he resides, may attend the common school without payment.

Penalty.

Census, how taken.

Reports to county superintendent.

§ 13. At the termination of each school-year, the trustees shall make a report to the county superintendent, showing, in tables of details and aggregates, the length of time taught, the highest, lowest, and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies and colleges taught in the district, and length of sessions of the same; the number of teachers employed—male, female and total—for the common school; the wages of male or female teachers; the amount of money raised for common school purposes in the district, by county and district tax or otherwise, and for what the same was disbursed; the kind and value of school-houses, and the number of volumes in district library, if any; and any other information required of him by the county superintendent touching the school.

Chairman of board.
Duties and penalties.

§ 14. The chairman of the board of trustees shall sign all reports made by him, and for a failure to make any such report within thirty days after the same is required by law, shall be subject to a fine of twenty dollars, and besides shall be liable to an action for damages by any person injured thereby.

§ 15. No trustee shall be allowed to buy any Teachers' claims teacher's claim, directly or indirectly, under the penalty of removal from office by the county superintendent. And should any trustee accept or agree to Accepting compensation unlawfully. accept any compensation from any person, directly or indirectly, in consideration of employing or hiring a teacher, said trustee, upon indictment and conviction thereof, shall be fined not less than two hundred nor Penalty. more than five hundred dollars, in the discretion of the jury.

§ 16. For any neglect of duty or misfeasance in Neglect of duty. office, the trustee shall, in addition to being fined as aforesaid, be removed from office by the county superintendent.

§ 17. The chairman of the board of trustees, in consideration of his services, shall be exempt from duty Chairman exempt from jury service. as overseer or a hand upon a public highway, from service as a juror upon inquests or writs of *ad quod damnum*, and from militia duty, and from penalty for non-attendance upon his summons as grand or petit juror.

§ 18. If any person who is elected or appointed Refusal to act. trustee of a common school under the provisions of this act, shall willfully fail or neglect, after having accepted said office, to perform the duties imposed Penalty. upon him herein, he shall be fined fifty dollars therefor.

§ 19. A trustee, when he resigns, vacates, is removed, or goes out of office, shall, within ten days Retiring trustees, duties. thereafter, deliver to his successor any money, property, books, or papers in his custody as trustee; and Penalty. for failure herein, he may be fined any sum not exceeding fifty dollars; and it shall be the duty of the county superintendent to report all such defaults to the grand jury.

ARTICLE IX.—TEACHERS.

§ 1. No person shall be deemed qualified to teach Teachers. any common school herein provided for, unless such

Certificate.	person shall first have obtained a certificate of qualification to teach the subjects embraced in the common school course, signed by at least two members of the county board of examiners, specifying the class of
Class.	qualifications of the applicants. Certificates shall be first-class, second-class, and third-class. Certificates of the first-class shall expire in four years; certificates of the second-class in two years; certificates of the third-class in one year from date. No certificate except of the first or second-class shall be issued to the same person more than twice; nor shall any certificate be renewed except upon actual regular examination.
Where valid.	No certificate shall be valid out of the county in which it is granted. The State Board of Education shall define the qualification necessary to procure a certificate of each class.
County examiners.	§ 2. The county superintendent shall appoint two competent and well-educated persons, who, together with himself, shall constitute a board of examiners for the county, who shall examine all the teachers applying to teach the common schools of the county.
Oath.	Before they shall be authorized to give any certificate, said examiners shall take and subscribe an oath that they will faithfully discharge their duties; that they will not give to any person a certificate until they have fully examined the applicant touching his or her qualifications and fitness to teach, and found him or her qualified to teach as required by the common-school law; said affidavit shall be filed in the
Questions.	office of the clerk of the county court. The series of questions for any examination shall be kept under seal by the county superintendent, and shall be first opened by him at the hour of examination in presence of the county board of examiners and the applicants for certificates. It shall be the duty of the
Examinations.	said board to see that no assistance, either direct or indirect, is given to, or obtained by, any applicant during the examination. No certificate shall be issued on the day of examination, nor shall any

answers to questions be passed upon in presence of any applicant. The county superintendent and at least one of the examiners shall be present, and shall conduct all examinations and sign all certificates. They shall hold examinations for white teachers on the first Friday in July, August, September, November and January, and for colored teachers on the second Friday of the same months, and no examination shall be held at any other time whatever. Each examination may continue two days if necessary. The State Board of Examiners shall carefully prepare for white teachers five series of questions upon the common school branches and the theory and practice of teaching, and the same number for colored teachers, all of the same grade; and at least one month before each examination, they shall forward one of said series of questions under seal to each county superintendent of the State, designating the month for which the same shall be used. If any county superintendent shall fail to receive any series of questions within two weeks of the examination, he shall immediately send written request to the State Board of Examiners to furnish the same.

§ 3. The board shall charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by and acting with the county superintendent. They shall give no certificate to any applicant unless they are satisfied that such applicant is possessed of good moral character, knowledge of the branches of study examined on, and a fair ability to teach and govern a school, sufficient to warrant the class of certificate given; and if, at any time, the recipient be found incompetent or inefficient, or otherwise unworthy of the indorsement given him, the county superintendent shall revoke the same; and any teacher dismissed from a school on such grounds shall be entitled to receive payment for services only up to the time of dismissal.

Officers present
at.

When held.

Questions for
white teachers.

Colored.

Reports.

Certificates,
qualifications for.

How revoked.

§ 4. It shall be the duty of each of a common school
 School register. to keep such a register of the school as the State
 Report. Superintendent may require of him ; and within ten
 days after the close of the session he shall make a
 report of the entire number of pupils enrolled, and
 the highest, the lowest, and the average number of
 pupils in attendance during the session ; the books
 used, the branches taught, the number of pay pupils,
 if any, in attendance, and such other information as
 the State Superintendent may deem of importance
 and interest ; and he shall return the register to the
 county superintendent ; and if he shall willfully neg-
 lect or fail to do this, the county superintendent shall
 withhold twenty dollars of his salary due, for the
 benefit of the district.

§ 5. Teachers shall faithfully enforce in school the
 Course of study. course of study and the regulations prescribed in pur-
 suance of law ; and if any teacher shall willfully re-
 fuse or neglect to comply with such requisitions, the
 county superintendent, on petition or complaint of the
 trustees, may remove or dismiss him ; and in case of
 Penalties. such dismissal or removal, the said teacher shall re-
 ceive payment only for the time taught. The teacher
 Authority to pre- is authorized and directed to hold each pupil to a strict
 serve order. accountability for any disorderly conduct on the play-
 ground, or during any intermission or recess, or on
 the road to and from school ; and for good cause he
 Proviso. may suspend any pupil : *Provided*, That such suspen-
 sion shall be immediately reported, in writing to the
 chairman of the board of trustees. In cases of suspen-
 sion, the action of the teacher shall be final, unless re-
 Appeal. versed by the trustees. Either party may appeal from
 the decision of the trustees to the county superintend-
 ent, whose decision shall be final.

§ 6. The Superintendent of Public Instruction shall
 State Board of appoint two professional educators, who, together with
 Examiners of himself, shall constitute a State Board of Examiners,
 tendents. who shall examine all applicants personally applying
 to them for certificates of qualification as county super-

intendents. The said board of examiners shall prepare ^{Questions.} the series of questions for the examination of candidates for county superintendent, as provided in section 4, of article 6, of this act; and also the different series of questions for the examination of teachers, as provided in section 2, of article 9, of this act; and before ^{Duties.} forwarding to the county superintendents, shall submit all of the said series to the professional members of the State Board of Education for their approval.

ARTICLE X.—TEACHERS' INSTITUTE.

§ 1. It shall be the duty of each county superintendent to organize and cause to be held annually a ^{Teachers' institutes.} teachers' institute for the normal instruction, improvement and better qualification of the teachers of this county. The institute shall not occupy not less ^{Term and time when held.} than five days, and shall be held in July, August or September, and if held in July, shall begin not later than the 20th of the month. The State Board of Education shall prepare and place in the hands of each county superintendent, not later than June 1 of each year, a programme of the work of the institute, and a ^{Programme.} syllabus of each subject of instruction, as provided in section 6 of this article. The programme and syllabus, ^{Syllabus.} as prescribed, shall be furnished each member of the institute, and shall be faithfully and efficiently carried out. Any county superintendent who shall ^{Penalty.} willfully fail or neglect to hold the annual institute as herein prescribed, shall be subject to a fine of fifty dollars.

§ 2. All teachers who have schools in session or under contract, and all persons who contemplate ^{Who shall attend.} teaching a common school at any time during the school-year, must attend the full session of the institute. The county superintendent shall revoke the ^{Penalty.} certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the Superintendent shall be fully satisfied that such failure has been caused by actual sickness or

other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school-year, unless the said person shall have attended the full session of the institute of that or some other county during that school-year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute had been caused by sickness or other disability. During the institute there shall be a suspension of such schools as are in session ; but no reduction of the teachers' salary shall be made on account of such suspension, except as hereinafter provided. The time of the institute shall not be accredited to the teacher unless the institute be held during the session of his school, and then he shall only have credit for the days and parts of days of actual attendance. At the close of the institute the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person had attended, which certificate of attendance shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the school.

§ 3. The county superintendent shall be present during the entire session of the institute ; shall have the roll called every morning and afternoon ; and shall keep a strict daily register of the presence, absence, and tardiness of the teachers and other members ; and of the exercises of the institute. He may collect two dollars, but in no case shall he collect less than one dollar from each teacher or other person in attendance on the institute at the time of matriculation. These fees shall form a county institute fund. Out of this fund the county superintendent shall pay all necessary expenditures, including the publication of the proceedings of the institute and association in pamphlet form. A copy of the pub-

Excuse.

Schools suspended, when.

Certificate of attendance.

County superintendent to be present.

Duties.

Collections.

Disbursed, how.

lished proceedings shall be forwarded by the county superintendent to the office of Superintendent of Public Instruction. Any residue after the payment Surplus. of the institute expenses shall constitute a fund for the formation of a county teachers' library, under the control and supervision of the county superintendent and board of examiners.

§ 4. In selecting a proper for holding the teachers' institute, the county superintendent shall decide with reference to the convenience and accommodation of the place, and shall endeavor to make such arrangements as he best can for economizing and reducing the expense of teachers while in attendance. He shall, twenty days before the institute begins, notify by mail the trustees of his county of the time and place of holding it; and it shall be the duty of each trustee to notify promptly every teacher in his school district. The county superintendent shall likewise direct the trustees of each district to post notices thereof. Selecting time for holding.

§ 5. The Superintendent of Public Instruction may recommend able and experienced normal instructors to conduct the teachers' institutes, whose pay shall be derived from, and paid by, the county superintendent Normal instructors. out of the funds raised from the teachers and other members of the institute. How paid.

§ 6. At each session of the institute, every subject embraced in the common school course shall be brought before the institute, illustrated and discussed, and every feature of school organization and school management, together with the whole work of the teacher, shall be considered, and the common school laws of the State read and expounded. Subjects discussed.

§ 7. During the session of the institute there may be held a county teachers' association, and an evening or night term of two hours may be daily set apart for this purpose. The association may be composed of Teachers' association. all the officers and teachers of common school present, and shall be called together by the county superintendent. Composition.

Objects. tendent, after which the organization and proceedings of the body shall be under its own control and management. The objects of such association shall be, primarily, to discuss and devise the best ways and means of promoting the interests of common schools, and the improvement of teachers and the methods of teaching.

Reports of institutes. § 8. The county superintendent shall, at the time of making his annual report to the superintendent, also report the time and place of holding the teachers' institute; the name of the person conducting the same; the number of persons registered as in attendance; the sum collected by a fee of two dollars paid by each person in attendance; the number of teachers of common schools in the county who did not attend the institute and teachers' association as he may deem of value and interest.

ARTICLE XI.—DISTRICT LIBRARY.

District library. § 1. When, by contribution, purchase or otherwise, forty volumes can be collected for such purpose, the district trustees may organize a library in connection with the school of the district, which shall be for the use of the district in which the same is located. They may make such suitable arrangements for keeping the books and periodicals of the said library as may be necessary, and may appoint a suitable person to take charge of the same, and to manage it according to such rules and regulations as they may prescribe: How created. *Provided*, That none of the school revenues collected by general taxation for the purpose of common schools education shall ever hereafter be used to purchase books, maps, or charts for the same. Proviso.

Control. § 2. The trustees shall have the same control over the library as over the other school property; and when it is practicable and safe, the same shall be kept in the school-house of the district; and when proper, the teacher of the school shall be appointed to act as Librarian. The trustees shall be accountable for the

proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, Revenue. and fees of membership; and they shall report annually to the county superintendent all library statistics which may be required of them, or which they may deem of importance.

§ 3. The trustees may receive donations of books, Donations. maps, charts, and other works of interest: *Provided*, No books of a sectarian, infidel, or immoral character shall be placed in the library; and any such books found therein shall be removed by the order of the trustees or the county superintendent. The library shall be free to all pupils of suitable age belonging to the schools of the district; but any resident of Members. the district may become entitled to its privileges upon the payment of such a sum of money for membership as the trustees may prescribe.

§ 4. It shall be the duty State Board of Educa- List of books. tion to prepare a list of books suitable for school libraries, which may, from time to time, be amended, revised, and enlarged, and to prepare uniform rules and regulations for the government of the same, and to prescribe penalties, fines, and conditions of membership.

ARTICLE XII.—COLORED SCHOOLS.

§ 1. All sums arising from any donation, gift, grant, Colored schools. or devise, by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children in this Commonwealth, or of any county or school district therein, shall be held and used for the purposes specified in such donation, gift, grant, or devise; and the Super- Donations, etc. intendent of Public Instruction, county superintendent of common schools of the county, and trustees of colored common school districts shall receive such donations, gifts, grants, or devises, for the benefit of the colored schools of the State, or particular county or district respectively, and shall hold and use the How held. same as requested by the donor or devisor.

Census. § 2. The number of colored children in each district, between the ages of six and twenty years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children.

Trustees, how elected. § 3. Colored school trustees for each colored school district shall be elected at the same time and in the same manner that white trustees are elected: *Provided, however,* That no tax shall be levied upon the property or poll, or any services required of any white person for the benefit of a school for colored children. And no tax shall be levied upon the property or poll, or any services required of any colored person for the benefit of a school for white children. And no colored person shall be allowed to vote for a trustee of a white school; and no white person shall be allowed to vote for a trustee of a colored school. It shall not be lawful, under any of the provisions of this act, for any white child to attend any common school provided for colored children, or for any colored child to attend any common school provided for white children.

Teachers' institutes. § 4. The colored school officers and teachers shall be organized into teachers' institutes, for themselves, in the same manner and to the same extent as provided for in article tenth of this act.

State Board, powers. § 5. The State Board of Education may exercise the same powers on behalf of the colored people of this State in the establishment of a State Teachers' Association as provided in section 9, article 4, of this act.

State Normal School. § 6. The Superintendent of Public Instruction shall be *ex officio* president of "The Board of Trustees of Kentucky State Normal School for Colored Persons." He shall supervise all in its interests, provide, as directed by law, for all its wants, and confer weekly with its faculty, receiving formal reports of the actual condition of the school in every regard. He shall annually appoint a committee of three, who shall, in a body or by one of their number, visit said normal

Board of visitors.

school once during each term, witness the exercises, and otherwise inspect the condition of said school, and by the close of the normal school-year they shall make a report to the board of trustees.

ARTICLE XIII.—FINES AND AMERCEMENTS.

§ 1. All penalties imposed by this act, and not otherwise provided for herein, shall be enforced by indictment in the circuit court by the grand jury, and it shall be the duty of the circuit judge to give this in charge to the grand jury. Penalties, how enforced.

§ 2. All duties which are required of any officer under this act shall be performed by them under the penalties herein prescribed, and when no penalties are prescribed, then the officer failing to perform the duties imposed shall be guilty of a misdemeanor, and upon indictment in the circuit court of the county in which said misdemeanor may occur, shall be subject to a fine in any amount in the discretion of a jury, and the Superintendent of Public Instruction shall give information of all failures or neglect of duty which come to his knowledge to the Attorney for the Commonwealth in the county in which the failure to perform or neglect of duty shall occur. Officers, misdemeanor defined.

§ 3. The Superintendent of Public Instruction shall annually revise the school laws, omitting all that has been repealed, and inserting in its proper place that which is amendatory. School laws.

§ 4. All acts or parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect from its passage.

CHAPTER 1537.

AN ACT for the benefit of graded free schools in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge,
duties.

Poll opened.

Object of poll

§ 1. That it shall be the duty of the county judge in each county of this Commonwealth, upon a written petition, signed by at least ten legal voters, who are tax-payers, in any civil district, town or city in his county, to make an order on his order-book, at the next regular term of his court after he receives said petition, fixing the boundary of any proposed graded free school district, as agreed on with the petitioners, and directing the sheriff, or other officer whose duty it may be to hold the election, to open a poll in said proposed graded free school district, town or city, at the next regular State, town or city election to be held therein, or on any other day fixed by said judge in said order, for the purpose of taking the sense of the legal white voters in said proposed graded free school district, town or city, upon the proposition "whether or not they will vote an annual tax, in any sum named in said order, not exceeding seventy (70) cents on each one hundred (\$100) dollars of property assessed in said proposed graded free school district, town or city belonging to said white voters, or a poll-tax in any sum named therein, not exceeding two (\$2) dollars per capita, on each white male inhabitant over twenty-one (21) years of age, residing in said proposed graded free school district, town or city, or both an ad valorem and poll tax, if so stated in the said order, for the purpose of erecting suitable buildings and maintaining a good graded free school in said proposed graded free school district, town, or city, or for the payment of principal and interest on any such bonds, not exceeding — dollars (the amount to be named in said order), as the board of trustees of said proposed graded free school district may issue and

sell under the provisions of this act, for the purposes aforesaid, not, however, exceeding in amount the sum of fifteen thousand (\$15,000) dollars."

§ 2. It shall be the duty of the county court clerk County clerk, duties. to give to the sheriff, or other officer whose duty it shall be to hold the election mentioned in section 1 of this act, a certified copy of the order of the judge of the county court as it appears on his order-book, within ten days after said order is made.

§ 3. It shall be the duty of the sheriff, or other officer Sheriff, duties. whose duty it may be to hold the election mentioned in section 1 of this act, to have the order of the judge of the county court published in some weekly or daily paper published in the county for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted at five conspicuous places in said proposed graded free school district, town or city, for the same length of time; but Advertisement. if there is no daily or weekly newspaper published in the county, the printed or written handbills posted as before provided for shall be sufficient notice. The sheriff or other officer whose duty it shall be to hold the election mentioned in section 1, shall have the advertisement inserted and notices herein provided for posted within ten days after he receives the order of the county judge, and at least twenty days before the election.

§ 4. It shall be the duty of the sheriff, or other officer Election officers, duties. whose duty it may be to hold the election mentioned in section 1 of this act, to open a poll, and the election officers shall propound to each voter who may vote the question, "Are you in favor of levying an annual tax of — cents (the amount named in the order of the county judge, but not exceeding seventy (70) cents) on the one hundred dollars, or a poll-tax of — dollars (the amount named in said order not exceeding two dollars) on each white male resident in this graded free school district, town or city (or both the ad valorem and poll-tax, if so ordered by said county judge Question to voters.

in said order), for the purpose of erecting and furnishing suitable buildings, and maintaining a graded free school in this graded free school district, town or city, or for paying the principal and interest on any such bonds, not exceeding — dollars (the amount named in said order), as the trustees of said district, town or city may issue and sell for the purposes aforesaid (not exceeding, however, the sum of fifteen thousand dollars (\$15,000)?" and his vote shall be recorded for or against the same as he directs; the poll-books shall be returned as other poll-books in said county, and shall be examined and compared by the same officers.

Poll books.

§ 5. If it shall appear that a majority of the legal white voters entitled to vote at said election, under the common school laws of this State, cast their votes at the said election in favor of said tax, then it shall be the duty of the county judge to cause the certificate of the examining board showing the amount of tax voted, the amount for which bonds may be issued, and the names of the six trustees elected, to be entered of record in the order-book of his court, and by and with the assistance of the county superintendent of common schools in said county, to organize a graded free school in said district, town or city, in accordance with the provisions of this act.

Return of vote.

School organized.

§ 6. The graded free school districts, when organized as aforesaid, are hereby incorporated, and each of them shall be under the management and control of a board of six trustees, the first board to be elected at the same time and place, and by the same persons who vote at the election for the tax, as provided in sections 1 and 4 of this act; and the six persons receiving a majority of the votes cast shall be declared elected trustees.

Graded schools incorporated.

§ 7. The persons so elected shall be named and styled "The board of trustees of the ——— graded free school district," and in that name may sue and be sued, contract and be contracted with, and, as a natural person, may acquire, hold, dispose of and

Trustees.

convey, by purchase, gift, devise, or otherwise, any real or personal estate, goods and chattels, necessary and convenient for the uses and purposes of said graded free school; and the title to all such property ^{Powers.} shall vest in said board of trustees and their successors in office; to be held sacred for the use and benefit of said graded free school district.

§ 8. The trustees thus elected shall be divided by ^{Terms.} lot into three classes, to hold their offices for one, two and three years respectively—that is, the two trustees who shall, by lot, be assigned to the first class, shall hold their offices until the first Saturday ^{Terms of office.} in June next after their election, and until their successors have been elected and have qualified; and their successors shall be elected on that day, in the same manner as trustees of common schools are elected, and hold their offices for three years, and until their successors shall have been elected and qualified; and the two trustees assigned by lot to ^{Classes defined.} the second class shall hold their offices for two years, or until the first Saturday in June next after the expiration of the term of office of the first class, and their successors shall be elected on that day as trustees of common schools are elected, and shall hold their offices for three years, and until their successors have been elected and qualified; and the two trustees assigned by lot to the third class shall hold their offices for three years, or until the first Saturday in June next after the expiration of the term of office of the trustees of the second class, and their successors shall be elected on that day as trustees of common schools are elected, and shall hold their offices for three years, and until their successors shall have been elected and qualified; and, after said first election and organization of any graded free school district, there shall be two trustees elected, as aforesaid, on the first Saturday in June of each year, who shall qualify on the first Monday in July next after their election, or as soon thereafter as may be, and hold

Vacancy. their offices for the term of three years, and until their successors shall have been elected and have qualified. If, at any time, there should be a vacancy in said board, the same shall be filled by the remaining members, and the person appointed to fill such vacancy shall hold his office until the expiration of the term for which his predecessor was elected or appointed.

Oath. § 9. Said trustees, before entering upon the discharge of their duties, shall each take an oath to faithfully perform the duties required of them under this act.

By-laws. § 10. Said trustees may adopt such by-laws and rules for the government of themselves and their appointees, and for the control, government and management of the graded free school in their respective districts, as they may deem necessary, not inconsistent with the Constitution and laws of this State or of the United States, and shall keep a journal of their proceedings, which shall be open at all times to the inspection of any citizen of the graded free school district in which he or she may reside.

Records. Teachers. Curriculum. § 11. Said trustees shall appoint and employ the principal and all teachers, and fix their compensation, and may suspend or dismiss them, or any other person appointed or employed by them; may prescribe the branches (other than those required by law to be taught in the common schools) which may be taught in said graded free schools, and prescribe the necessary qualifications and the mode of examination of all applicants for positions as principals or teachers in said graded free schools; but no person shall be appointed or employed as principal or teacher, in any graded free school organized under the provisions of this act who is not a person of good moral character, and who has not a county or State certificate, as required by the common school law of Kentucky.

Qualifications of teachers.

§ 12. The said trustees shall elect one of their num

ber president, who shall preside at their meetings, ^{Trustees, president.} and perform such other duties as may be required of him; and they may elect a secretary, and prescribe ^{Secretary.} his duties. The president and secretary, or either of them, shall make such reports to the county superintendent as are required of common school trustees, and shall publish annually such information as will ^{Duties.} show the financial condition of the graded free school district, and such other facts as they may deem beneficial to the cause of education in their respective districts.

§ 13. Every white child within the common school ^{Pupils, admission.} ages residing in any graded free school district shall have the right of free admission to all the classes in their respective graded free schools.

§ 14. The trustees may admit into said graded free ^{Residence, age and fees.} schools children who do not reside within the said district, or persons over the common school age, or who have advanced beyond the common school studies, on such terms and conditions, and upon the payment of such tuition and other fees as they may deem proper.

§ 15. Said board of trustees shall have power to ^{Treasurer.} appoint a treasurer for said graded free school district, who, before entering upon the duties of his office, shall execute bond, with securities approved ^{Bond.} by said board, running in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of said graded free school district, conditioned for the faithful performance of his duties under this act. All funds arising from the sale of ^{Funds.} bonds under this act, and all funds collected for the purpose of defraying the annual expenses of said schools, and for the payment of the principal and interest of said bonds, or for any other purpose, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said ^{How disbursed.} treasurer shall pay out said funds only for the purposes for which they were respectively collected, upon

the written order of the president and secretary of said board of trustees.

Pro rata to be
paid graded
schools.

§ 16. The county superintendent for common schools shall annually pay to the treasurer of any graded free school district that may be organized and operating in his county in conformity with this act, the *pro rata* portion of the per capita of the State and county funds that may be the due of said district, according to the number of pupils therein between the ages of six (6) and twenty (20) years of age, as soon as the same shall come into his hands.

Grounds and
buildings.

School bonds.

§ 17. Said board of trustees shall provide for purchasing suitable grounds and buildings, or for erecting suitable buildings, and for other expenses needful in conducting a good graded free school in their respective graded free school districts; and to this end, it shall be the duty of said board of trustees, in their discretion, and they are hereby authorized and empowered to issue the bonds of their respective graded free school districts to such an amount not exceeding in the aggregate the amount named in the order of the county judge, and voted for under the provisions of this act, as may be necessary to provide suitable grounds and school buildings and furniture and apparatus (but the amount of bonds shall not exceed fifteen thousand dollars (\$15,000) for any graded free school district). The said bonds may be of any denomination, in even hundreds, not exceeding one thousand dollars each, running not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as expressed in said bonds, payable to bearer, with interest coupons attached. They shall be signed by the president of said board of trustees, and attested by the Secretary thereof, and shall pass by delivery, and shall be redeemable at the option of said board. Said bonds shall be sold by the trustees or their authorized agent for the highest price obtainable, but not for less than their face par value, and

Limit of.

Bonds described.

How sold and
applied.

the proceeds paid over to the Treasurer and applied to the uses and purposes contemplated in this act.

§ 18. For the purpose of providing a fund for the Sinking fund. payment of said bonds, the said trustees shall create a sinking fund from the surplus of each year's taxes, after paying the interest on said bonds, and the legitimate expenses of said graded free schools, which surplus. plus shall be used in purchasing any of said bonds at not above par value, or safely invested by said trustees so as to yield a revenue to pay interest and principal of said bonds at maturity.

§ 19. The board of trustees in any graded free school Proper y tax. district, where the tax has been voted, shall cause to be levied and collected an annual tax, in any sum not exceeding the amount voted for in said district, under the provisions of this act, upon each one hundred dollars' worth of property of every kind and character having value and owned by any white person, company or corporation subject to taxation, within the limits of said graded free school district (and shall also cause to be levied annually a capitation or poll- Poll tax. tax in any sum not exceeding the amount voted for in said district under this act, on each white male citizen residing within the limits of any graded free school district over twenty-one years of age: *Provided*, That the levy of said capitation tax has been voted).

§ 20. The assessments made by the county assessors Assessments. each year, are hereby adopted in all cases as the assessments for graded free school purposes, except as to railroads and other companies or corporations, assessed by the State in some other mode, and in that case the assessment so made by the State, through the Auditor's office or otherwise, is hereby adopted as the assessment of such property for graded free school purposes. If the owner of any property so Appeals. listed, claims that the valuation so made is excessive, he shall have the right to bring the matter before the trustees for correction, if done within thirty (30) days after the assessor returns his lists. The board of

trustees shall hear the complainants, and shall make any corrections that seem to them proper, and if any of said assessments seem too low, the board may, on their own motion, cite the owners or their agents before them by written notice, and after hearing same shall correct the valuation made by the assessor as to them seems just and equitable.

§ 21. The sheriff or collector, if the trustees so direct, shall collect these taxes in the same manner as the State revenue is collected, and shall have the same power and authority in the collection of said taxes as is conferred on sheriffs or revenue collectors of this Commonwealth in the collection of the State revenue. The sheriff shall act under his official bond, but the collector shall execute bond running in the name of the Commonwealth of Kentucky for the use and benefit of the graded free school trustees, for which the tax is collectable, with good and sufficient security, to be by said board approved, for the faithful performance of his duties, with the same penalties as are or may be prescribed by law for sheriffs in the collection of said State revenue, and said board shall fix and allow his compensation, but not greater than is allowed by law for collection of State revenue. The said sheriff or collector shall be responsible on his bond for any and all delinquencies as collectors of the State revenue. The tax shall be collected and paid over to the treasurer by the time, and in the manner, the State revenue is collected and paid over.

Tax collectors. Powers. Sheriff and collector—bond. Compensation. Tax, when and how paid in.

§ 22. The title to all common school property in the limits of any graded free school district, organized under the provisions of this act, shall be, and the same is hereby, vested in the board of trustees of said graded free school district, and they are hereby authorized and empowered to sell and convey the same, or to use the same for graded free school purposes, as to them shall seem best.

Title to property. Conveyance.

§ 23. After the first election provided for in this act shall have been held, the tax voted, trustees elected,

Election of officers after first.

and the graded free school organized, the board of trustees shall appoint the officers to hold all other elections, which officers shall be under the same responsibilities and subject to the same penalties as the officers holding State or county elections, only they shall make returns of poll-books, and certify the result of the elections to the board of trustees, who shall examine and compare the same, and issue certificates to the persons found to be elected.

§ 24. The provisions of this act shall apply to such ^{Colored graded schools.} graded free school districts as may be applied for and organized by the colored people of this Commonwealth, and such districts and graded schools may be organized by them in all cases the same as the white districts herein provided for are organized ; in that case the word "white," wherever it occurs heretofore in this act, is to be read "colored : " *Provided,* ^{Proviso.} No white person shall vote at any election held by the colored people under the provisions of this act, nor shall the property of any white person be taxed to maintain any colored graded free school, nor shall the property of any colored person be taxed for the benefit of any graded free white school, nor shall any white child attend any colored graded free school organized under the provisions of this act, nor shall any colored child attend any white graded free school.

§ 25. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1541.

AN ACT for the benefit of the Eastern Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There shall be appropriated out of the Treasury ^{Appropriation.} of the State for the benefit of the Eastern Kentucky

Lunatic Asylum, the sum of fourteen thousand and fifty dollars, to be expended as follows: For general repairs and improvements and for remodeling the windows of the buildings of said asylum, eight thousand three hundred and fifty dollars; for constructing two fire-escapes, four hundred dollars; and for purchasing a steam boiler pump, three hundred dollars; for building an addition to the wards for colored patients, five thousand dollars.

§ 2. This act to take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1542.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation. § 1. That the sum of sixty-five hundred dollars be, and is hereby, appropriated, out of any money not otherwise appropriated in the Treasury of the State, to put new boilers into the building belonging to the State, and used for the instruction of the white blind children of the Commonwealth, to change the system of heating said building from a high to a low pressure, and to put a stone and iron fence along the front of the said property belonging to the State, fronting on Frankfort avenue, in the city of Louisville.

How drawn. § 2. The Auditor of the State is hereby authorized and directed, upon the proper certificate of the board of visitors of the Kentucky Institution for the Education of the Blind, that the above work has been completed, to issue his warrant upon the Treasurer of the Commonwealth in favor of the treasurer of the board of visitors of the Kentucky Institution for the Education of the Blind, for such sum or sums as may be needed for the work contemplated in the first sec-

tion of this act: *Provided*, That the sum of such warrant or warrants shall not exceed the sum of sixty-five hundred dollars; and also provided, that in case the completion of the work, as contemplated in section 1 of this act, shall be less than the sum of sixty-five hundred dollars, the Auditor shall be authorized, and is hereby directed, to issue his warrant only for such sum or sums as may be necessary to complete the improvements specified in the first section of this act.

§ 3. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1543.

AN ACT to amend section 4, chapter 97, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4, chapter 97, of the General Stat- How amended.
utes be amended by inserting after the word "compensation," in the first line thereof, the following words, to wit: "to be charged by the Secretary of State and retained by him."

§ 2. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1545.

AN ACT to amend section 2 of the supplemental act, approved May 15, 1886, said section being found on page 462 of the General Statutes, edition 1887, so far as the same applies to the counties of Warren and Simpson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of the supplemental act, approved May 15, 1886—said section being found on page 462 of the General Statutes, edition 1887—be,

How amended. and the same is, amended as follows: Strike out from said section the words "fifty," in the tenth line thereof, and insert instead the words "not less than ten dollars nor more than fifty," and strike out, also, all of said section after the word "committed," in the fourteenth line thereof; and all acts and laws in conflict herewith are repealed.

Application. § 2. That this act shall take effect from its passage, and apply only to the counties of Warren and Simpson.

Approved May 4, 1888.

CHAPTER 1546.

AN ACT regulating the magistrate's courts in the Burlington district, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Courts, when and where held. § 1. That from and after the passage of this act, it shall be lawful for the justice of the peace living nearest the court-house in the Burlington district, in Boone county, to hold his regular terms of court for the trials of civil causes once in each month, and in the town of Burlington, and on a day to be fixed by the judge of the Boone county court.

§ 2. This act shall take effect and be in force after its passage.

Approved May 4, 1888.

CHAPTER 1547.

AN ACT for the benefit of all persons whose lands have been sold for taxes prior to the year 1887.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Land sold for State taxes. § 1. That the owners of all real estate which has been sold for taxes due the Commonwealth of Ken-

tucky for all years prior to the year 1887, and which were bid in by or for the Commonwealth, and which the Commonwealth has not conveyed to other parties, be permitted to redeem the same by paying the How redeemed. amount of the original tax or taxes for the non-payment whereof such lands have been sold, together with six per cent. interest per annum thereon from the dates of such sales until paid, and all costs and expenses paid by the State or county for the advertisement and sale of such delinquent property.

§ 2. The provisions of section one shall also apply For county taxes. to lands sold for county taxes and bid in by or for the counties.

§ 3. In counties where there is or may be an Auditor's agent, it shall be his duty to collect the taxes Auditor's agent, duties. due the State, and, with the consent of the county courts of the several counties, the taxes due the county, by virtue of the provision of this act; and Fees. for his services he shall be allowed a fee of fifty cents for each individual tax-payer, to be paid by him; and the agent will also collect of the tax-payer a fee of thirty cents for the clerk of the county court for making the release. In counties where the Auditor County clerk. has no agent, the collection shall be made by the clerk of the county court for the same fee allowed the Auditor's agent, but in either court the Auditor's agent Fees and duties. or the clerk shall notify each delinquent of the provisions of this act through the mails. All laws or parts of laws in conflict or inconsistent with this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1557.

AN ACT to amend an act to fix the time of holding the circuit courts in Taylor county, approved April 25, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to fix the time of holding the circuit courts in Taylor county, approved April 25, 1884, be, and the same is hereby, so amended that the October terms of the Taylor circuit court be devoted exclusively to civil business, to the trials of civil cases—common law and equity—no grand jury to be summoned or empaneled at the October terms of said court. :

§ 2. This act to take effect from its passage.

Approved May 4, 1888.

CHAPTER 1561.

AN ACT to amend the fish laws of this Commonwealth, so far as Taylor county is concerned.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fish laws of the Commonwealth of Kentucky be, and the same are, so amended as not to prohibit person or persons from fishing with nets or baskets in any of the creeks and rivers in Taylor county: *Provided, however,* That if any person or persons thus fishing destroys any small fish by leaving same out of the water, shall be fined not exceeding five dollars for each offense.

§ 2. That this act shall be in force from its passage.

Approved May 4, 1888.

CHAPTER 1562.

AN ACT to establish a State Board of Equalization of Assessments in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That "it shall be the duty of the Governor, by ^{Board, how composed.} the advice and with the consent of the Senate, to appoint one person, having the qualification of an elector, from each appellate district in this State, and they, together with the Auditor of Public Accounts, who shall be an *ex officio* member without additional compensation, shall constitute a State Board of Equalization of Assessments. The members of this board ^{Term of office.} shall hold their offices for the period of two years, and until their successors are appointed and qualified. The term of office of said persons, to be appointed as aforesaid, shall begin on the first day of November, 1888. A majority of such board shall constitute a ^{Quorum.} quorum to do business."

§ 2. Each member of said board, before entering ^{Oath.} upon the duties of said office, shall take the oath or affirmation prescribed by the Constitution of the State.

§ 3. At the first meeting of said board, it shall ^{Organization.} organize by selecting one of its members as chairman and appointing a secretary, who shall take the oath prescribed by the Constitution. Each member of said ^{Compensation.} board shall receive for his services the sum of five dollars per day during its sessions, and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor of Public Accounts, and no other allowance or emolument, directly or indirectly, ^{Allowances.} except the sum of ten dollars annually, which shall be in full for postage, stationery, newspapers and all other incidentals. The pay and mileage allowed to

Secretary's pay. each member of said board, and the pay allowed to its secretaries and employes, shall be certified by the chairman. Said board may employ three secretaries at five dollars per day.

Time and place of meeting. § 4. Said board shall assemble at the State capital on the 10th day of February annually, to perform the duties imposed upon it by the provisions of this act; but in case the Auditor has not, by that date, received sufficient returns of assessments and tabulated statements, as provided for in this act, from the various county clerks of this Commonwealth, the said officer may, in his discretion, call the board to meet at some later day. The State Librarian shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said board.

Adjournment, temporary.

Librarian.

Authority. § 5. In all cases of partial return from any county, the Board of Equalization may estimate the valuation in the towns or districts from which returns have not been received, and may equalize the total valuation as in other cases; and in all cases of failure on the part of any county clerk to furnish the proper returns of the assessment of his county to the Auditor prior to, or during the meeting of the Board of Equalization in each year, said board may, by order, authorize the Auditor to equalize the assessment of such county when the full returns have been received by him.

County clerks, duties. § 6. That the clerks of the various county courts of this Commonwealth are hereby required to make out an annual tabulated statement of all sales of real estate, as shown by the deed books in their respective counties, on suitable blanks, which the Auditor is hereby required to furnish said clerks, and said clerks are required to make and file said tabulated statements on or before the first day of January in each year, town lots being kept separate from other real estate; said tabulated statements shall be for one year immediately preceding the fifteenth day of September, and shall contain a list of all sales of real estate, town lots being kept separate as aforesaid, the

Tabulated statements.

price paid, with ~~terms~~ and conditions, the number of acres, and the assessed value of same for the said year. Said tabulated statements shall ~~only~~ include sales where absolute fee-simple title is given, and if only a part of a tract of land or town lot is sold, shall give a short description of same, and state what proportion the same may be of such tract of land or town lot. The said tabulated statement shall be sworn to by the said clerk before some person competent to take oaths as a full and complete statement of said facts for the period of one year previous to the fifteenth day of September. Said tabulated list shall be made out and sent to the Auditor of Public Accounts for the use of the State Board of Equalization. For his services in making said tabulated statement the clerk shall be paid a reasonable compensation by the county court of his respective county. If any clerk of any county in this Commonwealth fails to make out and send, by mail or otherwise, to the Auditor of Public Accounts, on or before the first day of February in each year, the tabulated list of sales, as provided in this act, he shall be fined not less than fifty nor more than two hundred dollars, upon indictment in any court of competent jurisdiction in this Commonwealth.

§ 7. The said Board of Equalization shall fix the percentage of assessed value of real property at 69 per centum of cash value, and all counties whose average lists of real property are below such per centum shall be raised to the same, and all those counties whose average lists are above the same, shall be lowered to said standard. The secretary of the State Board of Equalization shall report to the various county judges of this Commonwealth, as soon as possible, the action of the board in regard to their respective counties, whereupon said judges may, in their discretion, each appoint not exceeding five witnesses to appear under oath before said board in reference to the action of the board. The board

Contents.

Verified.

Clerk's fees.

Clerks, penalty.

Percentage of value.

Secretary of board, duties.

County judges, duties.

shall then revise their action, or not, as they may think just and proper. Said witnesses must appear in a reasonable time, or they shall lose their right to be heard. The compensation and expenses of said witnesses, if any, shall be paid by their respective county courts.

Witnesses.

Fees.

Personal property.

Fractions.

Assessments, regulated by sales.

Percentage, how found.

Equalization.

§ 8. The said Board of Equalization shall also equalize the personal property of every county in this Commonwealth, by adding to or subtracting from the list of personal property, as the case may be, the same per centum as was added to or subtracted from the list of real estate for the same county. And for this purpose, the average aggregate per centum of assessed value to cash value of both lands and town lots shall be used, and in determining such per centums, fractions less than one-half shall be rejected, and fractions of one-half and over shall be counted as one.

§ 9. In the event that there has not been as many as five sales of land in any county in any one year next preceding September the fifteenth, then the assessments of real estate and personal property for that county shall remain as fixed by the county board of supervisors, and the same rule shall apply to town lots.

§ 10. Said board shall find the average percentage of assessed value to cash value of lands and town lots in any one county, by taking in said tabulated statement the aggregate assessed values of all tracts of land and town lots, town lots being kept separate, and calculating what percentage said aggregate assessed values are of the cash value of the same, time payments being reduced to cash value on the basis of six per centum discount.

§ 11. When the said board shall have completed its equalization of assessments for any one year, the chairman and secretary shall certify to the Auditor the rates finally determined by the said board to be added to or deducted from the listed or assessed val-

uation of land and town lots and personal property in the several counties, and the amounts assessed by said board, and it shall be the duty of the Auditor, under his seal of office, to report the action of the board to the several sheriffs immediately after the adjournment of said board.

§ 12. A report of the proceedings of said Board of Annual reports. Equalization shall be published annually in pamphlet form, and one thousand copies thereof printed, of which number each member shall be entitled to fifty copies, the Auditor to two hundred, and the remain- How distributed. der thereof shall be distributed by the Secretary of State to the several counties in proportion. Said distribution shall be made by mail or express, immediately upon the receipt of said report from the Public Printer, the cost of such distribution to be How paid for. paid by the Treasurer of the State out of any money in the Treasury not otherwise appropriated.

§ 13. All rates of taxes, as hereinafter provided for, shall be extended by the secretaries on the assessed valuation of property as equalized and assessed by the State Board of Equalization. Said secretaries shall extend the rates of addition or deduction ordered by the State Board of Equalization in columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property as corrected and equalized by the county board. In all cases of extension of valuations, where the equalized valuation shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar. Secretaries, duties of.

§ 14. It shall be the duty of the Auditor to make in each assessor's book a certificate of the rate of deduction or addition determined by the State Board of Equalization in the county to which such books shall pertain. The Auditor shall make out, over his hand and official seal, a certificate of the action of the Auditor, duties of. Certificate of Auditor.

Board of Equalization, which shall be transmitted to the county clerk, and by him affixed to the assessor's book for the said year, and shall be the warrant of authority to the sheriff or collector for the collection of taxes as therein set forth.

§ 15. This act, with the exception of section 1, which shall take effect from its passage, shall be in force and effect from July 1, 1888.

Approved May 4, 1888.

CHAPTER 1564.

AN ACT to change the time of holding the circuit courts in the seventh judicial district in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Hart.	§ 1. That hereafter circuit courts in the seventh judicial district shall be held as follows: In the county of Hart on the second Mondays in February and August, and continue three weeks at each term if the business of the court require it. In the county
Adair.	of Adair on the first Mondays in March and September, and continue two weeks at each term if the business of the court require it. In the county of Barren
Barren.	on the third Mondays in March and September, and continue four weeks at each term if the business of the court require it. In the county of Allen on the
Allen.	third Mondays in April and October, and continue two weeks at each term if the business of the court require it. In the county of Cumberland on the first
Cumberland.	Monday in May and November, and continue two weeks at each term if the business of the court require it. In the county of Clinton on the third Mondays in May and November, and continue two weeks
Clinton.	at each term if the business of the court require it. In the county of Monroe on the first Mondays in
Monroe.	July and January, and continue two weeks at each

term if the business of the court require it. In the county of Metcalfe on the third Mondays in June and December, and continue two weeks at each term if the business of the court require it. In the county of Green on the first Mondays in June and December, and continue two weeks at each term if the business of the court require it.

§ 2. All acts and parts of acts in conflict with this act, are repealed.

§ 3. This act shall take effect on the first day of August, 1888.

Approved May 4, 1888.

CHAPTER 1567.

AN ACT to repeal an act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," except section 4 thereof, in so far as the same applies to Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky," is hereby repealed, in so far as the same applies to Franklin county, except section 4 thereof, and except as to Elkhorn creek.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor May 4, 1888.]

CHAPTER 1569.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of article 7 of an act, entitled "An act to amend the revenue laws of the Common-

Board of Equalization, which shall be transmitted to the county clerk, and by him affixed to the assessor's book for the said year, and shall be the warrant of authority to the sheriff or collector for the collection of taxes as therein set forth.

§ 15. This act, with the exception of section 1, which shall take effect from its passage, shall be in force and effect from July 1, 1888.

Approved May 4, 1888.

CHAPTER 1564.

AN ACT to change the time of holding the circuit courts in the seventh judicial district in this Commonwealth.

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Hart.	county of Hart on the second Mondays in February and August, and continue three weeks at each term if the business of the court require it.
Adair.	In the county of Adair on the first Mondays in March and September, and continue two weeks at each term if the business of the court require it.
Barren.	In the county of Barren on the third Mondays in March and September, and continue four weeks at each term if the business of the court require it.
Allen.	In the county of Allen on the third Mondays in April and October, and continue two weeks at each term if the business of the court require it.
Cumberland.	In the county of Cumberland on the first Monday in May and November, and continue two weeks at each term if the business of the court require it.
Clinton.	In the county of Clinton on the third Mondays in May and November, and continue two weeks at each term if the business of the court require it.
Monroe.	In the county of Monroe on the first Mondays in July and January, and continue two weeks at each

term if the business of the court require it. In the county of Metcalfe on the third Mondays in June and ^{Metcalfe.} December, and continue two weeks at each term if the business of the court require it. In the county of Green on the first Mondays in June and December, ^{Green.} and continue two weeks at each term if the business of the court require it.

§ 2. All acts and parts of acts in conflict with this act, are repealed.

§ 3. This act shall take effect on the first day of August, 1888.

Approved May 4, 1888.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the propaga- ^{Extent of repeal.} tion and protection of food-fishes in the waters of the State of Kentucky," is hereby repealed, in so far as the same applies to Franklin county, except section 4 thereof, and except as to Elkhorn creek.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor May 4, 1888.]

CHAPTER 1569.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of article 7 of an act, entitled "An act to amend the revenue laws of the Common-

wealth of Kentucky," be amended by adding thereto the following words, to-wit: The county judge of Jefferson⁷ county, at the time provided for herein, shall appoint five intelligent, discreet housekeepers, resident in different magisterial districts in the city of Louisville, and five intelligent, discreet housekeepers, resident in different magisterial districts in Jefferson county outside of the city of Louisville, and those appointed from city of Louisville shall supervise the assessment of property in the city of Louisville, and those appointed outside of the city of Louisville shall supervise the assessment of property in Jefferson county outside of the city of Louisville; and they, as a city and county board, shall act separately and independently of each other.

Supervisors for
Jefferson county.

For city of
Louisville.

§ 2. That section 3 of article 7 of the act to which this is an amendment, be and the same is hereby, amended by striking out all the words after "provided, however," and inserting in lieu thereof the following words, to-wit: "Those appointed supervisors from city of Louisville may hold their session for twenty days, and those appointed outside of city of Louisville may hold their session for seven days."

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor May 4, 1888.]

RESOLUTIONS.

No 1.

RESOLUTION to allow the Governor a messenger.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this State be, and he is hereby, allowed a messenger during the present term of this General Assembly of Kentucky, who shall receive the same pay that pages of the Senate and House of Representatives now receive, to be allowed out of the appropriation for the expenses of the present session.

Approved January 5, 1888.

No. 2.

RESOLUTION fixing a time for the election of a Public Printer and State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That an election of Public Printer, and also of State Librarian, shall be held at the joint session to be held for the election of a United States Senator, as required by law, and immediately after the election of such Senator.

Approved January 11, 1888.

No. 3.

RESOLUTION for the benefit of Jacob Corbett, of Ballard county.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That Jacob Corbett, Sergeant-at-Arms of the last House of Representatives, be allowed the sum of twenty dollars, and mileage at the rate of ten cents per mile from his home in Ballard county, for his services rendered as Sergeant-at-Arms before the organization of the present House of Representatives; and that the Auditor of Public Accounts be directed to draw his warrants on the Treasurer in favor of the said Corbett for said sum.

Approved January 12, 1888.

No. 4.

RESOLUTION to provide for an investigation of certain charges against the circuit judge of the fourteenth judicial district.

WHEREAS, There are charges of official misconduct as circuit judge of Rowan county, against the circuit judge of the fourteenth judicial district, being circulated and which have received notice in the Governor's message to us; and whereas, it is due both to the Commonwealth and to the party charged that such charges should be investigated; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a committee of eight be appointed, three from the Senate, and five from the House, to investigate said charges. Said committee shall be appointed by the Speakers of the respective Houses, and shall have power to hold their sessions in Frankfort, or in Morehead, or in any other place within this Commonwealth they may determine to be best for the full sifting of the facts. They are given full power to send for persons and papers, all of which

papers they shall return to this General Assembly when they make their report; and they shall also return with their report all of the evidence taken by them, whether documentary or otherwise. And it shall be the further duty of said committee to investigate, as far as practicable, the feuds, riots and lawlessness in Rowan county, and the causes thereof, and said committee shall have power, in its discretion, to investigate said matters separate from, or in connection with, the charges against the judge of the Rowan circuit court, but in reporting to this General Assembly, it shall be the duty of said committee to report separately on said charges against the judge of said court, and the other matters directed to be investigated under this resolution; and said committee shall report fully and in writing what action should be taken by this General Assembly in reference to the matters hereby directed to be investigated.

2. This resolution shall take effect from its passage.

Approved January 14, 1888.

No. 5.

RESOLUTION directing the Public Printer and Binder to print two hundred copies of the journals of each house, and to lay them on the desks of the members daily.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Public Printer and Binder be, and he is hereby, directed to print two hundred copies of each day's journals of the Senate and House, daily, as the session progresses, and lay the same upon the desks of the members of the General Assembly not later than thirty minutes preceding the time of meeting of the respective houses of the General Assembly the next succeeding day.

Approved January 14, 1888.

RESOLUTIONS.

No. 6.

RESOLUTION calling on the President of the Agricultural and Mechanical College for certain information.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the president of the Agricultural and Mechanical College of this State be, and he is hereby, requested to report to this Assembly, as soon as practicable, in writing, for its information, the number of students matriculated in said college for each academic year from, and including, the academic year of 1879 and 1880.

2. That the said president of the Agricultural and Mechanical College report what number of said students of each of said academic years were beneficiaries of the State.

3. That the said president report to this Assembly, for its information, whether said beneficiaries of the State were charged matriculation fees, and the amount of said fees.

4. That said president report to this Assembly, for its information, the resident county of each of said beneficiaries of the State.

5. That said president report the price of tuition, for each of said years, charged students other than the beneficiaries of the State.

6. That said president report the number of beneficiaries in said college at the close of each of said academic years.

7. *Be it further resolved,* That the clerk of this House furnish the president of said Agricultural and Mechanical College with a copy of this resolution.

Approved January 14, 1888.

No. 7.

RESOLUTION calling on the treasurer of the Agricultural and Mechanical College for certain information.

WHEREAS, The General Assembly of Kentucky did pass an act, approved April 29th, 1880, for the purpose of levying and collecting a tax of one-half of one cent on each one hundred dollars of value of the property in the State liable to taxation for State revenue, for the purpose of endowing the Agricultural and Mechanical College of Kentucky, and enabling it to purchase the apparatus, machinery and implements necessary for its successful operation, etc.; now, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the treasurer of the Agricultural and Mechanical College be required to report to this General Assembly, in writing, within ten days, a full report of all moneys received under this act for each year from the passage of said act until the present time.

2. That the said treasurer report in full how and for what purpose or purposes said moneys have been applied.

3. That the Clerk of the House furnish the said treasurer with a copy of this resolution.

Approved January 14, 1888.

No. 8.

RESOLUTION authorizing the Librarian to sell members of the General Assembly stationery.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the State Librarian be, and she is hereby, requested and directed to supply the members of the present General Assembly with stationery : *Provided,*

RESOLUTIONS.

That said members shall pay to said Librarian the cost price of such stationery ; and any money received under this resolution shall be paid by the said Librarian to the Auditor of Public Accounts.

Approved January 14, 1888.

No. 9.

RESOLUTION to fire a national salute.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Adjutant-General is hereby directed to cause to be fired a national salute at 12 o'clock, M., on the ninth day of January, 1888, in commemoration of the battle of New Orleans. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for the cost of same, when certified by the Adjutant-General and approved by the Governor.

Approved January 14, 1888.

No. 10.

RESOLUTION to investigate the Treasurer's and Auditor's offices.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That a committee composed of the members of both Houses—three from the Senate and five from the House of Representatives, as required by section 4, article 2, chapter 108, page 816, of the General Statutes—be appointed by the respective Speakers, whose duty it shall be to make a personal examination into the state of the Treasury ; to examine all papers or vouchers upon which money has been paid for each of the preceding two years ; to ascertain the amount of money paid out of and paid into the Treasury, and the amount of public money on hand ; to notice

the misappropriation or perversion of any of the public funds by the Treasurer or others connected with the State government.

2. The same committee shall also examine the books, office, and accounts of the Auditor; and in said examination they shall carefully note, without defacing, all the Treasurer's receipts which are the foundation of a charge against him, in such manner as will plainly show that said receipts have been examined by the committee. After said examination and investigation, the committee shall report the facts fully and truly to the General Assembly in a clear and intelligent manner, which report shall be published under the direction of the General Assembly. That the committee are empowered to employ such expert clerical force as may be necessary to carry out the intentions of this resolution.

Approved January 18, 1888.

No. 11.

RESOLUTION directing the State Board of Health to report itemized account of expenditures.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the "State Board of Health" be, and they are hereby, directed to report to this General Assembly an itemized account of their expenditures under an act, entitled "An act in relation to infectious and contagious diseases of cattle," passed March 11, 1886.

Approved January 21, 1888.

No. 12.

RESOLUTION providing for appointment of a committee to visit A. & M. College.

WHEREAS, The Hon. President of The A. & M. College has requested a visiting committee to attend

the institution during the session of the Legislature; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Hon. Speaker appoint a committee of three, to act with a like committee from the Senate, whose duty and business will be to visit the "A. & M. College" during the session, and report on their observations as to the work, condition and necessities of the institution.

Approved January 21, 1888.

No. 13.

RESOLUTION on death of Hon. A. J. Bradford.

WHEREAS, It has pleased the Ruler of the Universe to remove from us the Hon. A. J. Bradford, representative in the last General Assembly from the county of Bracken; be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That by the death of the Hon. A. J. Bradford the State has lost a conservative, conscientious, true and wise representative, the cause of public education in this Commonwealth a sincere friend and advocate, his county a worthy and honorable citizen and useful representative, the members of the Assembly a bright and promising co-laborer, and his family a noble and affectionate husband and father.

2. That we tender to the people of his county and his family our sincere sympathy and condolence in the loss sustained by his death.

3. That these resolutions be spread upon the journal of this House and Senate, and a copy of them be engrossed and forwarded to the family of the deceased, and that, as an additional mark of respect to his memory, this House do now adjourn.

Approved January 21, 1888.

No. 14.

RESOLUTION directing the Superintendent of Public Instruction and Auditor to draw their warrants in favor of all schools taught in full and properly reported.

WHEREAS, The entire amount of money due the school fund for the current school year has been collected and paid into the Treasury, and cannot be paid out except upon the tenth (10th) of January and fifteenth (15th) of February, as provided by law; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Superintendent of Public Instruction be, and he is hereby, directed, in all cases where the necessary reports have been made, showing that the schools have been taught out, to draw at once his requisition upon the Auditor for the full sum due to such schools; and the Auditor will at once honor such drafts in advance of the dates of January the tenth and February the fifteenth, now fixed by law for such payments.

2. This resolution to take effect from its adoption.

Approved January 21, 1888.

No. 15.

RESOLUTION directing the Auditor to report the amount of money expended by the Geological Survey from 1872 to the present.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be directed to furnish this General Assembly a statement showing the amount of money expended by the Geological Survey for each year since 1872 to the present time.

Approved January 25, 1888.

No. 16.

RESOLUTION providing for appointment of committees to visit and investigate the Lunatic Asylums of this State and the Institute for the Feeble-minded.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That four joint committees, each consisting of two members of the Senate and four of the House of Representatives, to be appointed by the respective Speakers of the two Houses, be, and they are hereby, directed to investigate the conduct and management of the Lunatic Asylums and the Institute for the Feeble-minded, of this State. One of said committees shall be assigned to the investigation of the Eastern Lunatic Asylum; one the Central Lunatic Asylum; one the Western Lunatic Asylum, and one the Institute for the Feeble-minded. Said committees shall severally inquire if there has been any neglect of duty, or unfaithfulness in the performance of any duty on the part of any officer or employe; if any officer has disregarded the law or good faith in purchasing supplies or stores for the said asylums or institute, or in disposing of the products of the farm or property belonging to said asylums or institute; if there is retained any unauthorized officer, agent or employe at either asylum or said institute; if there has been any useless expenditure or misappropriation of money or funds belonging to the State; if there has been any unauthorized debt contracted, or funds expended by any officer of either asylum or said institute. Said committee will also investigate any other matter or mismanagement which may exist, affecting said asylums or either of them, or said Institute for the Feeble-minded, and report fully the several results of their investigations to both Houses.

2. This resolution shall take effect and be in force from and after its passage.

Approved January 26, 1888.

No. 17.

RESOLUTION for the appointment of a joint committee to visit and investigate the improvements, works, etc., of the Green and Barren Rivers Navigation Company.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a joint committee of two members of the Senate and three of the House be appointed by the Speaker of each House, to visit the Green and Barren rivers, with instructions to visit said rivers during the session of the present session of the General Assembly, and make a thorough investigation of the improvements, water works, rents, profits, tools, implements and appurtenances belonging to the State of Kentucky, which were placed in charge of the Green and Barren Rivers Navigation Company; also to investigate and report whether or not said company has complied with the contract made with the State of Kentucky, and report to their respective Houses the result of their investigations.

Approved January 30, 1888.

No. 18.

RESOLUTION providing for joint committee to visit and investigate the Institution for Deaf Mutes.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a joint committee, consisting of two members of the Senate and three of this House, be appointed by the presiding officer of each, be appointed to visit the Institution for Deaf Mutes, located at Danville, with instructions to visit said institution during the present session of the General Assembly, and make a thorough investigation of the buildings belonging to said institution, of the methods adopted for the mental, moral, and physical improvement of the deaf

mutes receiving instruction therein, and that said committee report to their respective Houses what, if any, changes in the construction of any of said buildings should be made, and make any suggestions they may deem necessary in regard to the present modes of instruction in said institution, especially in regard to the mechanical department.

Approved February 2, 1888.

No. 19.

RESOLUTION concerning the celebration of the semi-centennial of the foundation of the common school system of this Commonwealth.

WHEREAS, It is proposed to celebrate in this city, and in due manner, on February 16, 1888, the semi-centennial of the foundation of the common school system of this Commonwealth; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the father and founder of our common school system, the Hon. W. F. Bullock, is hereby cordially invited to become the guest of the State during the celebration of its semi-centennial.

2. That in order to defray the necessary expenses of the semi-centennial, a sum not exceeding one hundred dollars is hereby appropriated for said purpose, payable out of any money in the Treasury not otherwise appropriated.

3. This act shall take effect from its passage.

Approved February 6, 1888.

No. 20.

RESOLUTION requesting joint sittings of Senate and House Committees on Internal Improvements for the purpose of formulating a general road law.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the House Committee on Internal Improvements and the Senate Committee on Internal Improvements be requested to hold joint sittings for the purpose of considering all bills relating to the working and maintaining of public roads in this Commonwealth, and that said committee be requested to report a bill providing for a uniform system of maintaining the public roads of this Commonwealth, and for the payment of hands working on the same.

2. This resolution shall take effect from its passage.

Approved February 6, 1888.

No. 21.

RESOLUTION requesting the Kentucky Senators and Representatives in the National Congress to vote against, and to use their influence to defeat, the passage of the bill known as the "Blair Educational Bill."

WHEREAS, A bill has been introduced in the Senate of the United States of America, entitled or known as the "Blair Educational Bill," having for its published object and purpose the division of the surplus in the National Treasury between the several States of this Union for educational purposes; and whereas, the real design of said bill is the centralization of power, the continuation of war taxes, protection to monopoly, a bribe to the unwary, a blow at State's rights, void of justice, and a menace to our free institutions; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That we, as representatives of the people of this

Commonwealth, earnestly request our Senators and our Representatives in Congress to vote against and use their every effort to defeat said bill.

2. *Resolved further*, That the Public Printer be directed to print these resolutions, and that the Secretary of State forward a copy of same to each of our Senators and Representatives in Congress.

Approved February 6, 1888.

No. 22.

RESOLUTION in relation to the improvement of the Kentucky river by the United States.

WHEREAS, The State of Kentucky, by the act of January 24, 1880, transferred and ceded to the United States the five locks and dams constructed by the State on the Kentucky river, together with all the grounds and appurtenances belonging to the same, which cost the State more than one million of dollars, for the purpose of enabling the United States to continue the slack-water navigation of said river to the inexhaustible supplies of coal, iron, and timber found on the upper waters of said river; and whereas, the State of Kentucky has contributed to the Treasury of the United States, under the existing internal revenue laws, more than one hundred and fifty millions of dollars, and, as yet, the General Government has only rebuilt the five original dams so ceded to it by the State, and the great purpose intended to be accomplished by the cession of said improvements remains unfulfilled; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators in the Congress of the United States be instructed, and our Representatives be requested, to urge upon that body the propriety of making such appropriations for the continuation of

the slack-water navigation of said river as will most speedily carry out the purpose of this State in making the cession aforesaid, and thereby secure to the people of Kentucky, and to the people of the Ohio and Mississippi Valleys generally, the benefits resulting from the extension of said navigation to the regions aforesaid.

2. That the Governor of this State be requested to forward to each of the Senators and Representatives of this State in the Congress of the United States a copy of this preamble and resolutions.

Approved February 6, 1888.

No. 23.

RESOLUTION raising joint committee to investigate practicability of repealing portion of chapter 85, General Statutes.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a committee of three from the House and two from the Senate, to be appointed by the respective Speakers thereof, be appointed to investigate the practicability of repealing so much of chapter 85, General Statutes, as empowers the Commissioners of the Sinking Fund to make a further lease of the labor of the convicts in the Kentucky Penitentiary before or upon the termination of the existing lease, and of substituting for the lease system a system of prison labor, to be based on the State account plan.

Approved February 6, 1888.

RESOLUTIONS.

No. 24.

RESOLUTION requesting the Senators and Representatives in Congress from Kentucky to exert their influence in support of the bill authorizing the payment of interest to the several States on moneys expended in furnishing troops to aid in suppressing the late rebellion.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That our Senators and Representatives in Congress be requested to use their best exertions to secure the passage of House bill No. 1474, entitled "An act to reimburse the several States for interest on moneys expended by them on account of raising troops employed in aiding the United States in suppressing the late rebellion."

2. *Resolved*, That a copy hereof be forwarded to each of our Senators and Representatives in Congress.

Approved February 6, 1888.

No. 25.

RESOLUTION adding to committee to investigate Green and Barren river improvements.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That there be added to the committee, which has been appointed to visit and investigate the Green and Barren River Navigation Company, two from the House and one from the Senate.

Approved February 10, 1888.

No. 26.

RESOLUTION requesting members of Congress to urge the passage of a bill to refund to the States money collected from them by the United States as direct taxes.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Senators and Representatives from Kentucky in the Congress of the United States be, and they are hereby, most respectfully requested and instructed to vote for and use all legitimate means in their power to procure the passage of the bill now pending before Congress, proposing to refund to the several States the moneys assessed against them by the general government, and paid into the United States Treasury as direct taxes, in the year 1861.

2. *Resolved*, That the above resolution be printed, and the Secretary of State be directed to transmit a copy to each Senator and Representative from Kentucky in Congress.

Approved February 10, 1888.

No. 27.

RESOLUTION to authorize the employment of a stenographer to attend the Rowan county investigating committee.

WHEREAS, The present General Assembly has, by resolution, ordered an investigation of the official conduct of the judge of the Rowan circuit court, and the feuds, lawlessness, etc., in said county ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the joint committee heretofore appointed be authorized and empowered to employ a stenographer to attend the committee in its investigations, and report and transcribe all evidence which may be taken by said committee, and report the same at his earliest

convenience to this General Assembly, and he is allowed the same fees for said services as he is now paid by law for similiar services rendered in the courts of this Commonwealth.

2. That the chairman, or any member of the aforesaid committee, is hereby authorized and empowered to administer oaths to any and all such witnesses as may be called to testify before them.

3. This resolution shall take effect from and after its passage.

Approved February 18, 1888.

No. 28.

RESOLUTION directing joint committee to investigate the Western Lunatic Asylum to investigate charges of cruelty to Robert Hendricks by employes of said Asylum.

WHEREAS, W. P. Hendricks, of Franklin, Simpson county, Kentucky, complains that his son, Robert Hendricks, has been foully dealt with, and lost his life at the hands of the employes of the Western Lunatic Asylum; now, therefore, in justice to the Superintendent, the parties aggrieved and the State, be it

Resolved by the General Assembly of the Commonwealth of Kentucky: .

1. That the joint committee heretofore appointed to investigate the Western Lunatic Asylum be, and are hereby, directed forthwith to investigate the charge of cruelty to said Hendricks, as well as any other charge which may be presented to the committee.

2. Said committee having the right to fix its own time and place of meeting, with full power to send for and compel the attendance and testimony of witnesses, and the production before it, and for its use, of any and all papers, records, books and documents by it desired.

3. The committee to report the result of its investigation to the Assembly at as early a day as practical.

Approved February 14, 1888.

No. 29.

RESOLUTION for the benefit of John Glore and L. H. Weitzel.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasurer in favor of John Glore and L. H. Weitzel for twenty dollars, for three days' services performed in heating and preparing the hall of the House of Representatives at the opening of the same.

2. This resolution shall take effect from and after its passage.

Approved February 18, 1888.

No. 30.

RESOLUTION requesting our members in Congress to urge the passage of a law to pay certain citizens of Cynthiana for property destroyed by fire during a military engagement in said town during the late civil war.

WHEREAS, On the eleventh day of June, eighteen [hundred and] sixty-four, Col. Conrad Garriss, of the hundred and sixty-eighth regiment, Ohio infantry volunteers, took shelter in the city of Cynthiana, Harrison county, Kentucky, by placing his men in houses to resist an attack of the enemy, under the command of Gen. John H. Morgan, and during the fight which ensued the city was set on fire by the enemy to dislodge said Federal forces, resulting in the destruction of the houses and merchandise of the following persons, viz.: J. J. Parish, F. M. Gray, Thomas English, W. W. Trimble, John L. Magee, D. A. Givens, John Quinlan, J. Newt. Smith, Ada Mary A. Hall, Robert C. Wheritt, Lawson Oxley, Henry Johnson, James S. Frizell, T. A. Frazer, Henry E. Shawhan, Eliza Bell, Isaac N. Webb, William L. Northcutt, H. C. Nebel, Thomas R. Rankin, Greenup Remington, Charles A. Webster,

Frank Box, Harmon Rohs, Susan Tomlinson, James E. Dickey, J. Newt. Smith, John Bruce, J. W. McIntosh, and F. X. C. Nott, administrator, &c.; and whereas, it appears the houses were converted to the use of the Federal soldiers, and absolutely used to protect the men, as the danger was imminent and impending, and the necessity was urgent for the public service, and was such as would not have admitted delay. It seems the property was taken possession by the Union forces whilst resisting the hostilities of the public enemy, and said citizens were called upon and required to give up their private property for the advantage of the community, this property having been actually taken for the use of, and used by, the army of the United States as shelter, and while thus occupied it was destroyed. These being the facts in the case, in the opinion of this General Assembly the fifth article of amendment of the Constitution of the United States contemplates that private property shall not be taken for public good, use, safety, or convenience without just compensation therefor; otherwise, public burdens would be shared unequally; be it, therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators and Representatives in the Congress of the United States be respectfully requested to urge upon the Government of the United States the speedy settlement and payment of said claims; that the Government take such early and speedy steps as they may deem proper to accomplish this end, by bill or otherwise; and in order that justice may be done alike to Government and claimants, we suggest that our Senators and Representatives urge Congress to pass a bill authorizing and directing the Secretary of War to appoint and send a commission to the city of Cynthiana, in Harrison county, Kentucky, instructed to ascertain all the circumstances under which said

property was destroyed, and the kind of property lost by each claimant, and the marketable value at the time, and report all the facts to Congress for consideration and action.

2. *Be it further resolved*, That his Excellency, Simon Bolivar Buckner, Governor of Kentucky, have forwarded to each of our Senators and Representatives in the Congress of the United States a copy of these preamble and resolutions, under the seal of State.

Approved February 13, 1888.

No. 31.

RESOLUTION relating to Covington and Cincinnati Bridge Company.

WHEREAS, By the act of the General Assembly incorporating the Covington and Cincinnati Bridge Company, approved February 10, 1846, it was provided that said company should report to the Legislature a correct statement of the cost of its bridge and an annual statement of the tolls received for passing the same, and also the costs of repairs and other expenses of said company, and should reduce the rates of toll upon said bridge from time to time when the net profits of said company should equal fifteen per centum upon the cost of said bridge; and whereas, said company has wholly failed to make such reports, and has never materially reduced its tolls; and whereas, the city of Covington is by legislative authority the owner of one hundred thousand dollars of what is known as the common stock of said company, upon which class of stock no dividends have ever been paid; and whereas, it is believed that the profits of said company have been enormous and sufficient, if properly applied, to pay dividends upon its common stock, or to require a reduction in its toll rates; and whereas, the policy of said company in

exacting the present high rates of toll has been disastrous to the community and to the citizens of the State; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a committee of three, two from the House of Representatives and one from the Senate, be appointed by the respective Speakers thereof to visit the city of Covington, and to thoroughly examine and investigate all the books, papers and other records of said company and the management thereof; ascertain the rates of toll charged by said company and the gross and net income thereof, and the actual cost of said bridge, and the amount of common and preferred stock, and the amount paid in upon said stock, together with any other matters in connection with said bridge, its management and operation, from its completion to this date, that may be deemed by the said committee proper to be investigated; and the said committee is hereby given power and authority to send for and compel the production of books, papers and records, and to summon and compel the attendance of witnesses, and shall report the result of its investigation to this Assembly as soon as possible.

3. This resolution shall take effect from its passage.

Approved February 18, 1888.

No. 32.

RESOLUTION providing for adjournment of this General Assembly in commemoration of Washington's birthday.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That this General Assembly, when it adjourns on Tuesday, the twenty-first inst., do adjourn to meet

again on Thursday, the twenty-third inst., and that no session of this General Assembly be held on the twenty-second inst.

2. That in honor of the birthday of the father of our country, George Washington, the Adjutant-General is directed to fire a salute of thirty-eight guns on the twenty-second inst., at 12 o'clock, M.

3. This resolution shall take effect from its passage.

Approved February 24, 1888.

No. 33.

RESOLUTION extending the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the present session of the General Assembly be, and the same is hereby, extended to the seventeenth day of March, 1888, at twelve o'clock, M.

2. This resolution shall take effect from its passage.

Approved February 27, 1888.

No. 34.

RESOLUTION providing for printing of reports of Inspectors of Mines.

WHEREAS, Under the existing law only two hundred (200) copies of the report of the Inspector of Mines are printed, barely more than enough to supply the General Assembly; and whereas, applications for copies of his fourth annual report are constantly being received by the Inspector from miners, mine operators and others in this State, and from individuals and financial concerns outside of the State, which applications cannot be satisfied, because the

supply of copies of said report is exhausted; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be, and is hereby, directed to print forthwith three hundred (300) copies of the fourth annual report of the Inspector of Mines, to be delivered to the Inspector and by him distributed.

Approved February 29, 1888.

No. 34½.

RESOLUTION in relation to loaning the picture of General Harrison.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the picture of General Harrison, the property of the State of Kentucky, presented by the Whig State Central Committee of Ohio to the State of Kentucky, in 1840, be loaned to the Cincinnati Centennial for the period of their centennial exhibition of 1888.

Approved March 6, 1888.

No. 35.

RESOLUTION calling on the Superintendent of Feeble-minded Institute for certain information.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the superintendent of the Feeble-minded Institute be, and he is hereby, requested to report to this General Assembly the number of inmates in his institution, the counties they were sent from, and the amount they cost the State *per capita*.

Approved March 6, 1888.

No. 36.

RESOLUTION concerning the erection of a monument to the late William Henry Harrison.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators be instructed and Representatives requested to vote for a bill now pending in the Congress of the United States, entitled "A bill for the erection of a monument to the late William Henry Harrison."

Approved March 6, 1888.

No. 37.

RESOLUTION to pay the expenses of the members of the committee of investigation of the Green and Barren river works.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of T. L. Glenn for twelve dollars; R. M. Pieratt, for twelve dollars; W. F. Neat, for twelve dollars; W. O. Coleman, for twelve dollars; and J. H. Rudy, for twelve dollars, for expenses incurred in the investigation of the locks and dams on Green and Barren rivers, to be paid out of any money in the Treasury not otherwise appropriated.

2. This resolution to take effect from and after its passage.

Approved March 9, 1888.

RESOLUTIONS.

No. 38.

RESOLUTION authorizing the Adjutant-General to loan arms to Col. Robert D. Allen.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That whereas, Col. Robert D. Allen, principal of the military academy recently established near Louisville, in Jefferson county, Kentucky, is desirous of having guns with which to drill the pupils of said academy, and there being a class of guns in the arsenal that are not of any practical use to the State—

2. Now, be it resolved, that the Adjutant-General is hereby authorized and directed to turn over and loan to said Allen, superintendent, forty guns and equipments for the same, suitable for the use of the pupils at said academy.

3. But before delivering said guns, the Adjutant-General will require said Allen to execute bond payable to the Commonwealth of Kentucky for the safe return of said property, whenever he may be called upon to do so by the Adjutant-General.

Approved March 10, 1888.

No. 39.

RESOLUTION for the benefit of W. G. Spencer & Co.

WHEREAS, W. G. Spencer & Co., alias W. G. Spencer and T. Scott Bridgewater, of Lebanon, Marion county, Ky., did, on the 1st day of June, 1887, pay to the Commonwealth of Kentucky one hundred dollars for State license to sell liquor as a druggist in said town of Lebanon; and whereas, the place of business of said Spencer & Co. was, on the first day of September, 1887, destroyed by fire; and whereas, said Spencer & Co. was, by reason of said fire, de-

prived of the privilege granted by said State license for the period of nine months; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of seventy-five dollars in favor of said W. G. Spencer & Co.

2. That this resolution take effect from and after its passage.

[Became a law without approval of Governor March 9, 1888.]

No. 40.

RESOLUTION relative to a reduction of taxation.

WHEREAS, The enormous increase, under the new revenue law, of the assessed value of property in this Commonwealth, has added so largely to the burdens of taxation that the demand for relief comes from all classes, especially those engaged in agriculture; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That it ought to consider measures of relief without unnecessary delay, and reduce taxation to a rate commensurate with the absolute current needs of the government and the crying necessities of our people.

2. That taxation, either State or Federal, beyond the economical requirements of government, begets extravagance, and is an irritating and unnecessary burden on the industries of the country.

3. That it is the duty of Representatives loyal to the people who sent them here to apply a remedy for the evil of over taxation as speedily as possible, and if this session of the Legislature is extended, we

pledge ourselves to an honest effort to secure such reduction as the State revenue will warrant.

Approved March 15, 1888.

No. 41.

RESOLUTION further extending the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the present session of the General Assembly be, and it is hereby, extended until 12 o'clock, M., April 16, 1888.

2. This resolution shall take effect from its passage.

Approved March 16, 1888.

No. 42.

RESOLUTION on the death of Emperor William, of Germany.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That we sincerely sympathize with the good people of Germany in their present embarrassment and distress. That whilst we have nothing to do, and ought not to have any thing to do, with respect to European politics and policies, yet we do feel an abiding interest in what now seems is the end of one of the noblest characters who has figured in politics for the last half century. We refer to Kaiser William, the Emperor of Germany. Whilst we are satisfied with our own form of government and have no criticisms to make upon the government of other people, we do not deem it amiss or inappropriate to tender to the German people and to the bereaved family of the illustrious dead our kindred sympathy and regard in

this, their hour of peril and distress, for their loss of the Christian gentleman and ruler.

2. That the Governor furnish a copy of this resolution to the Secretary of State of the United States, with the request that it may be communicated in an appropriate manner.

Approved March 15, 1888.

No. 43.

RESOLUTION providing for payment of expenses incurred by Rowan county committee.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of G. W. Castle, the Sergeant-at-Arms of the Senate, for the sum of twelve hundred and fifty-three dollars and seventy cents, the amount of expenses incurred by the joint committee of the Senate and House of Representatives in investigating the condition of affairs in Rowan county and the official conduct of Hon. A. E. Cole, judge of the fourteenth judicial district. The said Treasurer is directed to pay the same out of any money not otherwise appropriated, and the said Sergeant-at-Arms is directed to disburse the same to the various claimants.

2. That this resolution take effect from and after its passage.

Approved March 20, 1888.

No. 44.

RESOLUTION providing for payment of expenses of investigating committee at Eastern Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the following claims be allowed to the committee for expense incurred by them in investigating

the management of the Eastern Kentucky Lunatic Asylum, to-wit: A. L. Peterman, forty-two dollars and twenty-five cents; same, amount paid officer for summoning witnesses, fifteen dollars; total, fifty-seven dollars and twenty-five cents; T. L. Glenn, forty-three dollars; John E. Abraham, thirty-seven dollars and fifty cents; Prentiss Meade, forty dollars.

2. That this resolution take effect from and after its adoption.

Approved March 22, 1888.

No. 45.

RESOLUTION providing for investigating the conduct and duties of the Auditor and Secretary of State.

WHEREAS, It has been made known that J. W. Tate, Treasurer of this State, but now suspended from office, is probably a defaulter for a large sum of money, and the law requires "that the Auditor shall, once in each month, ascertain whether the money on hand in the Treasury agrees with the balance shown by the books of the Treasury," and further provides that "the Treasurer shall make reports, once per week, to the Auditor, of all payments at the Treasury, and the warrants upon which the same were made, which reports shall be filed by the Auditor in his office;" and whereas, the law also provides "that the Auditor and Treasurer shall, once in each month, make a settlement of the receipts and disbursements of the money at the Treasury of every description, under appropriate heads, and file the same with the Secretary of State, whose duty it shall be to report them to the General Assembly within the first ten days of each regular session;" therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a joint committee, consisting of two members from the Senate and three from the House, be ap-

pointed by the speakers of the respective Houses, whose duty it shall be to ascertain whether or not the Auditor has complied with the law in respect to settlements with the Treasurer, and also whether or not the Auditor and Treasurer have, once in each month, made a settlement of the receipts and disbursements of the money at the Treasury, of every description, under appropriate heads, and whether or not the Secretary of State has complied with the law in regard thereto; said committee also to report any failure upon the part of either of said officers to discharge their duty.

2. This resolution to take effect from and after its passage.

Approved March 23, 1888.

No. 46.

RESOLUTION for the benefit of the Door-keepers of the two Houses of this General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Door-keepers of the two Houses of this General Assembly are hereby authorized to draw from the Treasury the same amount per day that the Sergeant-at-Arms of the two Houses are authorized to draw under existing laws, and that the Auditor of Public Accounts is directed to draw his warrant upon the Treasury for said amounts in favor of said Door-keepers.

2. This resolution to be in effect from its passage.

Approved March 24, 1888.

No. 47.

RESOLUTION to investigate the condition and conduct of the office of Superintendent of Public Instruction.

WHEREAS, The Superintendent of Public Instruction desires, and has requested, the appointment of a committee to investigate the condition and conduct of the educational department of the State government ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the respective Speakers of the Senate and House of Representatives are hereby authorized and directed to appoint from the Senate and House Committees on Education, a joint committee, consisting of two Senators and three Representatives, to investigate the condition and conduct of the office of the Superintendent of Public Instruction, and to report to the two Houses of the General Assembly.

2. This resolution shall take effect from the date of its adoption.

Approved March 24, 1888.

No. 48.

RESOLUTION in regard to the Branch Penitentiary.

WHEREAS, The commissioners of the Branch Penitentiary at Eddyville have ordered, and are now having removed, a portion of the earth which constitutes the knoll or elevation within the boundary walls of said Branch Penitentiary ; and whereas, if said excavating and removal of said earth or elevation is permitted to go on, it will greatly detract from the beauty, value and health of the location ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the said commissioners be, and they are

hereby, ordered and directed to discontinue forthwith the removal of said earth or elevation, or any part thereof, until after the report to this General Assembly of the special committee appointed to investigate said penitentiary has been made.

2. This resolution shall take effect from and after its passage.

Approved March 24, 1888.

No. 49.

RESOLUTION authorizing the Governor to loan public arms in certain cases.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor be, and is hereby, authorized to loan from the State Arsenal, to any institution of learning in this Commonwealth in which military science constitutes a part of the course of instruction, and to any post of the G. A. R. applying therefor, any number of muskets, of obsolete pattern, and accoutrements for same, not exceeding forty guns to any one school or college, nor more than twenty guns to any one post of the Grand Army; but the persons borrowing such guns shall, before receiving same, execute bond to the Commonwealth, with surety to be approved by the Governor, for the safe-keeping and return of the borrowed property on demand of the Governor; and for any violation of the covenants of any such bond, suit may be brought against the obligors therein in the Franklin circuit court.

2. This resolution shall take effect from its passage.

Approved March 26, 1888.

RESOLUTIONS.

No. 50.

RESOLUTION providing for payment of expenses of special committee to visit and investigate the Western Lunatic Asylum.

WHEREAS, The expenses of the joint committee to investigate the condition and management of the Western Lunatic Asylum were thirty-four dollars and twenty-five cents; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, instructed to draw his warrant on the Treasurer, in favor of F. T. D. Wallace, for the sum of thirty-four dollars and twenty-five cents.

2. This resolution shall take effect and be in force from and after its passage.

Approved March 26, 1888.

No. 51.

RESOLUTION in relation to life-saving station.

WHEREAS, The numerous acts of gallant heroism so often required and so frequently performed by members of the life-saving service of the United States, no less on the coasts of America than around the falls of the Ohio at Louisville, Kentucky. and elsewhere, have attracted the admiration and are entitled to that just recognition which a free and prosperous people is ever ready to award to those brave men whose duty it is to imperil their own lives that unfortunate others may be saved; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our representatives in Congress and the Hon. Samuel J. Randall, of Pennsylvania, chairman of the House Committee on Appropriations, be, and they are hereby, respectfully requested and earnestly urged

to use their best efforts in aid of the bill now before Congress, asking for an increase in the salaries of keepers and surfmen and others employed in the life-saving service of the United States; and that a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress, and to the Hon. Samuel J. Randall.

Approved March 26, 1888

No. 52.

RESOLUTION for the benefit of Abner Justice, jailer of Pike county.

WHEREAS, The jailer of Pike county, under and in obedience to a writ of *habeas corpus* issued by the District Court of the United States, has recently been compelled to transport from his county seat to the city of Louisville Valentine Hatfield and eight other citizens of West Virginia, who were in his custody as prisoners under a charge of willful murder, which said persons have, by order of said court, been remanded to the custody of said jailer, who will now have to return them to the jail of his county; and whereas, no provision whatever has been made to reimburse said jailer for the expense incident to the performance of said duty except the judgments rendered by said court against the persons above referred to, all of whom are represented to be hopelessly insolvent:

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That, upon the presentation to him of a certified copy of the judgments rendered in said court in behalf of said jailer against the said prisoners, together with the amount thereof, the Auditor of Public Accounts is directed to pay to said Abner Justice, jailer as aforesaid, the amounts thus adjudged to him in said court; but before making such payment he shall

require said jailer to assign said judgments to the Commonwealth of Kentucky.

2. This resolution shall take effect from its passage.

Approved March 24, 1888.

No. 53.

RESOLUTION authorizing the Governor to appoint an acting Treasurer.

WHEREAS, James W. Tate, Treasurer of this State, has absented himself from the city of Frankfort, the seat of government, and has ceased to and refuses to further perform the duties of the office of State Treasurer; and whereas, it is alleged that said Tate, as such Treasurer, has misapplied and misappropriated public moneys and public dues of the Commonwealth, and is a defaulter to the amount of more than one hundred thousand dollars; and whereas, articles of impeachment have been preferred and are now pending against him as such Treasurer; and whereas, it further appears that on the 20th day of March, 1888, the Governor, Auditor and Attorney General of this State, by an order on said day, made and signed by them, suspended said Tate from the duties of the office of Treasurer; and whereas, doubts exist as to their power under the law to suspend him from the duties of said office during a session of the General Assembly; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the action of the Governor, Auditor and Attorney General in suspending the said James W. Tate from the duties of the office of Treasurer, and the order of suspension made by them, be, and the same is hereby, ratified and confirmed, and said Tate is hereby declared to be, and is hereby, suspended from the duties of said office.

2. That the Governor of this State is hereby authorized and empowered to designate and appoint, at once, some suitable person, possessing the qualifications required by law of State Treasurer, and not holding any State office, to perform the duties of Treasurer during and pending the impeachment and trial of said Tate, and until said Tate is restored to his official duties, or until a successor be elected or appointed and qualified as required by law.

3. The person so appointed shall take an oath to faithfully execute and discharge the duties of the office of Treasurer, and execute bond with good and sufficient security to be approved by the Governor, in any sum not exceeding one hundred thousand dollars, conditioned for the faithful performance of his duties, and shall continue in office as provided by section 2 of this resolution.

4. Such person so appointed shall have all the powers and discharge all the duties required by law of the Treasurer, and all warrants, checks, drafts and other official documents shall be signed by him as acting Treasurer.

5. This resolution shall take effect and be in force from and after its passage.

Approved February 27, 1868.

No. 54.

RESOLUTION requesting and instructing joint sessions of the Judiciary Committees of the two Houses for the purpose of considering the best methods of thoroughly investigating all State offices.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Judiciary Committees of the Senate and House of Representatives be requested and instructed to hold joint sessions for the purpose of considering the best methods of thoroughly investigating all the

RESOLUTIONS.

State officers, and the financial condition and management of the various charitable and public institutions of the State, and that said committees report to this General Assembly by bill, resolution or otherwise.

Approved March 7, 1888.

No. 55.

RESOLUTION raising a joint committee to investigate the offices of the Register of the Land Office and of the State Geologist.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a joint committee, to consist of two members of the Senate and three from the House of Representatives, to be appointed by the respective Speakers, be raised, whose duty it shall be to make a complete and full examination of the offices of the Register of the Land Office and the State Geologist, and to report to this General Assembly at an early day as possible. Said committee is directed and authorized to make a full examination of all moneys received and disbursed by either or both of said offices, and may compel the attendance of witnesses, swear the same, require answers made to all proper questions, send for persons and papers, and do all other lawful acts to secure the ends for which they were appointed. Said committee is authorized and empowered to employ an expert accountant to aid and assist them in said examination.

2. This resolution to take effect from its passage.

Approved March 27, 1888.

No. 56.

RESOLUTION authorizing the committee appointed to investigate the Institute for Feeble-minded Children to employ an expert accountant.

WHEREAS, The judgment of the committee appointed to investigate the Feeble-minded Institute,

the employment of an expert accountant will be necessary to thoroughly overhaul the books and accounts of the Institution; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the chairman of the joint committee, C. M. Clay, Jr., be, and he is hereby, authorized to employ an expert accountant to assist in the investigation of the books and accounts of the Feeble-minded Institute, at a cost not exceeding five hundred (\$500) dollars.

2. This resolution shall take effect from its passage.

Approved March 27, 1888.

No. 57.

RESOLUTION authorizing the purchase of a burying-ground for convicts.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized and directed to purchase a tract of land suitable for a burying-ground for the convicts who may die in the penitentiary at Frankfort, and the Auditor is directed to pay the cost of the same upon its being properly certified to him by said Commissioners.

2. The cost of said ground shall not exceed one thousand dollars.

3. This resolution shall take effect from its passage.

Approved March 29, 1888.

No. 58.

RESOLUTION authorizing the Janitors of the House and Senate to draw money from the Treasury on account of their services the present session.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Janitors of the House and Senate be allowed to draw two dollars and fifty cents per day on account of any amount due them for their services, and the Auditor is authorized to pay such sums as may be certified to him by the clerks of the respective Houses.

2. This resolution shall take effect from its adoption.

Approved April 4, 1888.

No. 59.

RESOLUTION for the benefit of Bob Williams, for services at back capitol.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the sum of fifteen dollars is hereby appropriated to Bob Williams, in part pay for services rendered at the back capitol, and the Auditor is directed to draw his warrant on the Treasurer for the sum of fifteen dollars in favor of Bob Williams, to be paid out of any money in the Treasury not otherwise appropriated.

2. This resolution to take effect from its passage.

Approved April 5, 1888.

No. 60.

RESOLUTION authorizing the Governor to offer a reward for James W. Tate.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor of this Commonwealth is hereby authorized to offer a reward, not exceeding five thousand dollars, for the apprehension and delivery of James W. Tate to the jailer of Franklin county, Kentucky.

2. Upon the certificate of the Governor certifying to the Auditor such apprehension and delivery, the Auditor shall draw his warrant on the Treasurer of this Commonwealth for such sum as may be offered in favor of the person entitled thereto as indicated by the Governor.

3. This resolution shall take effect from its passage.

Approved April 6, 1888.

No. 61.

RESOLUTION requesting Senators and Representatives to urge passage of bill granting pension to soldiers and widows of soldiers of Mexican war equal to that now paid to soldiers and widows of soldiers of late civil war.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators and Representatives in Congress be, and they are hereby, requested and instructed to introduce and urge the passage of a bill by Congress granting a pension to the surviving soldiers of the Mexican war, and to the surviving widows of such as have died, equal to that now granted to the widows of soldiers of the late civil war.

2. *Resolved*, That this resolution be printed, and

the Secretary of State be, and he is hereby, directed to forward a copy to each of the Senators and Representatives from Kentucky in Congress.

3. This resolution to take effect from its passage.

Approved April 7, 1888.

No. 62.

RESOLUTION to pay traveling expenses of House committee appointed to visit Branch Penitentiary at Eddyville.

WHEREAS, The traveling expenses of the House committee to visit the Branch Penitentiary at Eddyville, amounting to thirty-five dollars and seventy cents, were paid by C. H. Blakey, chairman of said committee; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of thirty-five dollars and seventy cents be paid to C. H. Blakey, and the Auditor is directed to draw his warrant on the Treasurer in his favor for that amount.

2. This resolution shall take effect from its passage.

Approved April 10, 1888.

No. 63.

RESOLUTION providing for an investigation of the Auditor's agent's official conduct at the city of Louisville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a joint committee, composed of one member of the Senate and two members of the House of Representatives, be appointed by the respective Speakers of the two Houses, whose duty it shall be forthwith to examine into and report to the General Assembly the manner in which the agent of the Aud-

itor in and for the city of Louisville and county of Jefferson has discharged the duties of his office during the last five (5) years; and especially what moneys have been paid to said agent during said period, when and by whom paid, on what account paid, and what disposition said agent has made of the same; how much he has received as compensation and commissions, and how much money the State has realized net from his collections, and as the result of his action.

2. To facilitate such examination, the said committee shall have the right to inspect all the records, books and papers of the Auditor's office, of the office of said Auditor's agent, and of all the offices of the city of Louisville and county of Jefferson, including the offices of the clerks of the circuit, common pleas, criminal and chancery courts, justices', county and police courts, and of trustees of the jury fund in and for said city and county. Said committee is further empowered to compel the attendance of witnesses, with or without papers, books, and records, and to administer oaths, and enforce responses to all legitimate inquiries; and said committee may report by bill or otherwise.

3. This resolution shall be operative from and after its adoption.

Approved April 10, 1888.

No. 64.

RESOLUTION fixing the pay of experts employed in investigating the various offices and institutions of this Commonwealth.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the pay of the experts now employed and engaged in examining and investigating the various offices and institutions of this State, be, and the same is hereby, fixed at ten dollars per day; and the Auditor

is hereby ordered and directed to draw his warrant on the Treasurer of the State, from time to time, for such sums as the parties employed under this resolution may be entitled to receive: *Provided*, That this resolution shall not annul or affect any contract, either written or verbal, where the compensation or pay has been already agreed upon.

2. This resolution shall take effect from and after its passage.

Approved April 14, 1888.

No. 65.

RESOLUTION extending the present session of the General Assembly to May 4, 1888.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the present session of the General Assembly be extended until the fourth day of May, 1888, at twelve o'clock, M., at which time this General Assembly shall adjourn without day.

2. This resolution shall take effect from its adoption.

Approved April 14, 1888.

No. 66.

RESOLUTION for the benefit of the Branch Penitentiary at Eddyville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the remainder of the three and one-half cent tax, levied in 1886 for the benefit of the Eddyville Branch Penitentiary, be, and the same is hereby, directed to be placed to the credit of the commissioners of the said Branch Penitentiary.

2. This resolution to take effect from its passage.

Approved April 17, 1888.

No. 67.

RESOLUTION to pay the funeral expenses of Hon. R. M. Pieratt.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of G. W. Castle, Sergeant-at-Arms of the Senate, for two hundred and forty dollars and fifty-five cents, out of any money in the Treasury not otherwise appropriated, to pay the funeral expenses of the Hon. R. M. Pieratt, and the Sergeant-at-Arms is directed to pay said expenses.

2. This resolution shall take effect from its passage.

Approved April 17, 1888.

No. 68.

RESOLUTION for the benefit of Hon. A. G. Caruth.

WHEREAS, By oversight, the witness claim of Hon. A. G. Caruth, who appeared before the committee directed to investigate the condition of the affairs and the official conduct of Hon. A. E. Cole, judge of the fourteenth judicial district, was left out when the itemized account was made out upon the passage of the resolution to pay the expenses of said investigation ; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of G. W. Castle, Sergeant-at-Arms of the Senate, for the sum of fifty-three dollars and eighty cents, for the purpose of paying said witness claim, and the Treasurer is directed to pay the same

out of any money in his hands not otherwise appropriated.

2. That this resolution take effect and be in force from and after its passage.

Approved April 18, 1888.

No. 69.

RESOLUTION directing the Librarian to furnish the Trades and Labor Assemblies of the cities of Louisville and Paducah with certain books.

WHEREAS, The Trades and Labor Assemblies of Louisville and Paducah and vicinity have organized libraries for the public good ; and whereas, the Congress of the United States is, and has been, one of their best friends, and is a liberal donor to said libraries ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Librarian be requested and instructed to furnish to said Trades and Labor Assemblies of the cities of Louisville and Paducah, each, one copy of the latest edition of Bullitt and Feland's General Statutes, copy of the report of the State Geologist, and a copy of the report of the Commissioner of Agriculture, and of the Inspector of Mines, also one copy latest issue Kentucky Code of Practice.

2. This resolution to take effect from and after its passage.

[Became a law without approval of Governor April 19, 1888.]

No. 70.

RESOLUTION providing for an investigation of the conduct of lobbyists of Louisville and Nashville Railroad Company.

WHEREAS, The Louisville and Nashville Railroad has employed various persons to attend in Frankfort

as lobbyists, and others in various capacities throughout the State; and whereas, there are rumors afloat that said parties may be using illegal and undue ways and means to influence railroad legislation; and whereas, it is important that legislation of the State should not be under the control and domination of a railroad corporation; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a joint committee of seven, three Senators and four Representatives, to be appointed by the respective Speakers, be created to investigate said charges or rumors, and report to the General Assembly as soon as possible. Said committee is empowered to send for persons and papers, and take necessary proof. Said committee shall be allowed to employ, in their discretion, one expert, to aid in the said investigation.

2. This resolution shall take effect from its passage.

Approved April 20, 1888.

No. 71.

RESOLUTION concerning the Green and Barren River Navigation Company.

WHEREAS, By an act of the Legislature, approved March 9, 1868, the Green and Barren rivers, together with all the improvements, water-works, rents, profits, tools, machinery, implements and appurtenances belonging to the State of Kentucky, were placed in possession of a company, named and styled the Green and Barren River Navigation Company, for a period of thirty years; and whereas, it was provided in said act relinquishing possession of said rivers and other property of the State of Kentucky, that said navigation company should execute bond to the Common-

wealth of Kentucky, with good and sufficient security, the solvency of which was to be approved by the Governor of said Commonwealth; and whereas, but recently the dam at Rochester gave way, being the third on the river; and whereas, as the time is near when said navigation company will have to turn over said rivers to the State of Kentucky, it is of importance to know the solvency of said bond given to the State of Kentucky; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor of this Commonwealth be, and he is hereby, directed to inquire into the solvency of the persons whose names are attached to the said bond given by said Green and Barren River Navigation Company to this Commonwealth; and if, upon such inquiry, said persons shall be found not to be worth the amount of said bond, which is five hundred thousand dollars, the Governor of this Commonwealth shall notify the president and secretary of said navigation company to give additional bond, with approved security, to the requisite amount of five hundred thousand dollars; and if said navigation company shall, after the expiration of forty days from said notice, fail to give said bond as required by the Governor of this Commonwealth, then shall the Governor of this Commonwealth inform the Attorney General of the State of the fact that said Green and Barren River Navigation Company have failed to comply with the compact entered into with the State of Kentucky on the ninth day of April, one thousand eight hundred and sixty-eight, and upon said information the Attorney General of Kentucky be, and he is hereby, directed to institute suit in the Franklin circuit court against said Green and Barren River Navigation Company for forfeiture of contract and charter, for failure to give bond, with good and

sufficient security, as required in said act chartering the said company.

2. This resolution shall take effect from and after its passage.

Approved April 21, 1888.

No. 72.

RESOLUTION on the death of Roscoe Conkling.

WHEREAS, This General Assembly has learned with profound regret of the death at his home, at 1:50 this morning, of the Hon. Roscoe Conkling; now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That in his death the State of New York and the nation have lost a gallant leader and honored citizen, whose spotless integrity, both in public and private life, and brilliant statesmanship and patriotic services to his country while in the Congress of the United States, won for him the confidence and admiration of the American people.

2. That the sympathy of this General Assembly is hereby tendered to his bereaved family, who, by his death, are deprived of a kind and loving husband and father.

3. That the Secretary of State be, and he is hereby, directed to forward an engrossed copy of this resolution to Mrs. Conkling and Mrs. Oakman.

4. That as a further mark of respect for the memory of the deceased, this House do now adjourn.

Approved April 21, 1888.

RESOLUTIONS.

No. 73.

RESOLUTION to amend the joint resolution raising a committee to investigate the condition and conduct of the Superintendent of Public Instruction.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the resolution providing for an investigation of the condition and conduct of the office of Superintendent of Public Instruction be, and is hereby, amended by giving to the joint committee appointed upon said investigation power to send for persons and papers, and to employ an expert accountant.

2. That this resolution shall take effect from its adoption.

Approved April 24, 1888.

No. 74.

RESOLUTION to pay expenses of A. & M. College committee.

Resolved by the General Assembly of the Commonwealth of Kentucky :

WHEREAS, The expenses of the committee appointed to examine and report the condition of the Agricultural and Mechanical College of Kentucky, amounting to forty-three dollars and forty cents, were paid by H. P. Cooper ; therefore, be it resolved,

1. That the Auditor be directed to draw his warrant on the Treasurer in favor of said H. P. Cooper for the sum of forty-three dollars and forty cents.

2. This act to take effect from its passage.

Approved April 27, 1888.

No. 74½.

RESOLUTION for the benefit of Clarence E. Walker.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the sum of ninety dollars is hereby allowed to Clarence E. Walker for reporting the impeachment trial of J. W. Tate, late Treasurer of this Commonwealth, said sum to be paid out of any money not otherwise appropriated ; and the Auditor is directed to draw a warrant upon the Treasurer in favor of said Walker for said sum.

2. *Resolved further*, That the Clerk of the Senate shall deliver to the Secretary of State said report of said impeachment trial to the Secretary of State, whose duty it shall be to keep same with the archives of the State.

3. This resolution to take effect from and after its passage.

Approved May 1, 1888.

No. 75.

RESOLUTION for the benefit of A. R. Byers.

WHEREAS, During the month of March, 1888, the Auditor of Public Accounts drew his warrant upon the State Treasurer in favor of A. R. Byers, State Senator from the tenth district, for the sum of four hundred and ten dollars due him, said Byers, as per diem for services in this General Assembly ; and whereas, in part payment of said warrant there was paid and delivered to said Byers a fifty dollar bill which was counterfeit and worthless ; now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Auditor of Public Accounts be, and he

RESOLUTIONS.

is hereby, directed to draw his warrant upon the Treasurer in favor of A. R. Byers, the sum of fifty dollars, and said Treasurer is directed to pay said sum out of funds used in paying the per diem of members of this General Assembly.

2. This resolution shall take effect from its passage.

Approved May 1, 1888.

No. 76.

RESOLUTION to provide for pay of committee's expenses to visit the Branch Penitentiary at Eddyville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated to F. W. Darby and G. Terry the sum of fifteen dollars, to pay their expenses, as committee from the Senate, to visit the Branch Penitentiary at Eddyville, and the Auditor is directed to draw his warrant on the Treasurer for that amount, payable to them out of any money not otherwise appropriated.

2. This resolution to take effect from its passage.

Approved May 1, 1888.

No. 77.

RESOLUTION authorizing the Governor and Adjutant General to secure copies of certain records from the State of Texas.

WHEREAS, A number of Kentuckians served with distinction in the war for the independence for Texas, many of whom, or the descendants of such as are dead, are entitled to land warrants from the State of Texas on account of such military service; and whereas, it is desirable that the names of said soldiers

should be on file with the archives of the State; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Governor and Adjutant General be, and are hereby, authorized and empowered to secure from the State of Texas the names and military history of all Kentuckians, who served as aforesaid, with a statement of compensation received and due to each, together with any other item of interest pertaining to them respectively, so far as the same may be susceptible of official certification; said rolls and records, when received, to be filed and preserved in the office of the Adjutant General.

2. This resolution to be in force from its passage.

Approved May 1, 1868.

No. 78.

RESOLUTION authorizing the payment of unsettled Exposition accounts.

WHEREAS, That in accordance with the provisions of an act of the General Assembly approved April 19, 1884, an exhibition of the resources of the State was made at the Southern Exposition, Louisville, in the year 1884, and at the Cotton Centennial Exposition in New Orleans in the years 1884-5, and again at the Southern Exposition 1885; and whereas, the commissioners having charge of said State exhibits had the assurance that the five thousand dollars donated by the United States government to the New Orleans Exposition for each State making an exhibit, would be expended in defraying the expenses of the State exhibit, and as only five hundred dollars of the above fund was so expended, as was shown by the report made by the joint committee from the

Senate and House of Representatives (in Senate Journal 1885-6, page 1320), together with the fact that terminal expenses, cartages, etc., were greater than contemplated in estimates rendered, the amounts appropriated inadequate to meet the expenses necessarily incurred :

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Governor is authorized to examine such accounts as may be made out in a manner to designate the services performed or material furnished, and sworn to before a proper authority, and approved by the Chairman of the Exposition Commission, as directed by act approved April 19, 1884; and if, in the judgment of the Governor, the accounts are just and proper, he may approve the same, which approval shall authorize the Auditor to draw his warrant on the Treasurer in favor of the persons in whose name the accounts are rendered: *Provided*, That nothing in this resolution shall authorize the payment of any money to either of the commissioners appointed under the act approved April 19, 1884, for services or for expenses incurred.

Approved May 2, 1888.

No. 79.

RESOLUTION to remove the remains of Jas. T. Young to the cemetery at Frankfort.

WHEREAS, James T. Young, deceased, was a Second Lieutenant in Company "G," Third Regiment Kentucky Mexican Volunteers, and served throughout the war with Mexico, and was mustered out at Louisville, Kentucky, July 21, 1848; and whereas, his remains are buried in an unhallowed spot in the State of Ten-

nessee; and whereas, they are entitled to other and more sacred burial; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the remains of said James T. Young be removed to the State of Kentucky, and be reinterred in the cemetery at Frankfort, in that part of said cemetery belonging to the State, sacred to the memory of the Mexican war soldiers, and to that end the sum of one hundred dollars is hereby appropriated, to be paid by the Treasurer, upon the warrant of the Auditor, upon the recommendation of the Governor.

2. That the Governor shall appoint some suitable person to see that this resolution is carried into effect.

3. This resolution shall take effect and be in force from and after its passage.

Approved May 2, 1888.

No. 80.

RESOLUTION granting Capitol grounds to the Independent Order of Odd Fellows.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the use of the Capitol grounds in the city of Frankfort be allowed to the Independent Order of Odd Fellows, for their annual reunion, for one day, during the month of June next.

Approved May 2, 1888.

No. 81.

RESOLUTION inviting the President and his wife to visit the State of Kentucky and its commercial metropolis.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor be requested to invite the

President and his wife to visit the State of Kentucky and its commercial metropolis, at such time as may be convenient to them, about the month of September, 1888.

2. This resolution shall take effect from its passage.

Approved May 3, 1888.

No. 82.

RESOLUTION for the benefit of Rowan county committee.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the members of the joint committee to investigate the Rowan county troubles and the Sergeant-at-Arms of the Senate be, and they are, allowed an extra compensation of forty dollars each for services rendered on that committee, and the Auditor is hereby authorized to draw his warrant upon the Treasurer in favor of each of said members for said sum, out of any money in the Treasury not otherwise appropriated.

2. This resolution to take effect from its adoption.

Approved May 4, 1888.

No. 83.

RESOLUTION extending the session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That this session of the General Assembly be extended to 1 P. M. to day, and that the only business be the receiving of reports and signing of bills by the Speakers of the two Houses.

2. This resolution shall take effect from its adoption.

Approved May 4, 1888.

No. 84.

RESOLUTION in relation to the experts now employed in Auditor's and Treasurer's office.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the two experts, to wit: W. T. Samuels and Henry Cambridge, employed by the joint committee engaged in an examination of the records of the Treasurer's and Auditor's office, be, and they are hereby, authorized to continue and complete said examination as begun, and under said original employment, said examination to be conducted under the two chairmen of the committee now making the investigation and Hon. J. H. Lunsford, and they will make report to the Governor, and said report shall be printed. That for their services the chairmen of the two committees and J. H. Lunsford are hereby allowed the same compensation for their services as is allowed the experts, to be paid out of any money not otherwise appropriated: *Provided*, That said committee and experts shall perform said examination and report within ten days after the adjournment of this General Assembly.

2. This resolution shall take effect from its passage.

Approved May 4, 1888.

No. 85.

RESOLUTION authorizing the loaning of guns to the Emerald Cadets.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Adjutant General be, and he is hereby, authorized and directed to furnish to Thomas N. Kehoe, for the use of the Emerald Cadets of the Immaculate Conception Academy, of Covington, in

military instruction and drill, thirty (30) army guns of the latest pattern now on hands and available for that purpose ; but said guns shall not be so furnished until the said Kehoe shall execute bond, with at least two sureties, to be approved by the Adjutant General, conditioned for the safe-keeping and immediate return of said guns upon request.

Approved May 8, 1888,

No. 86.

RESOLUTION to provide for removing the remains of Col. Jas. W. Moss, a Mexican veteran.

WHEREAS, The remains of Col. James W. Moss lie buried in a private burying-ground in Hickman county, Kentucky ; and whereas, the said Col. James W. Moss was a gallant officer in the Mexican war, being Captain of Company A, Second Kentucky, the regiment of the lamented McKee and Clay, and it being the proud duty of the State to honor her noble dead ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of Luther C. Moss, in a sum not exceeding three hundred dollars, to pay for the removal of said James W. Moss from their present resting place and re-buried in the cemetery at Frankfort in that portion set apart for the heroes of the Mexican war, and to have the proper inscription put upon the monument to their memory.

2. This resolution to take effect from its passage.

Approved May 2, 1888.

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON FRIDAY, THE THIRTIETH DAY OF DECEMBER, EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

S. B. BUCKNER, *Governor.*
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*
BEN. JOHNSON, *Speaker House of Representatives.*
GEO. M. ADAMS, *Secretary of State.*
P. W. HARDIN, *Attorney-General.*

CHAPTER 3.

AN ACT to authorize the Shelby county court of claims to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Shelby county, Kentucky, to be composed of the majority of the justices of the peace of said county concurring therein,

be, and the same is hereby, authorized and empowered, at its regular annual term, to levy an *ad valorem* tax of not exceeding four (4) cents on each one hundred dollars' worth of property in said county liable to taxation for State revenue purposes.

§ 2. The fund arising from said tax to be under the control of said court, and is to be applied to the payment of the indebtedness of the county to the county levy of said county, and any appropriation of the fund so raised for any other purpose than as provided in this act, shall be punished as a malfeasance in office is now punished by law.

§ 3. The sheriff of said county shall collect and pay over said tax; but before proceeding to collect the same he shall execute bond with good security to the Commonwealth of Kentucky, to be approved by the county court of said county, for the faithful discharge of his duties in collecting and paying said tax. The sheriff shall have the same powers and be subject to the same penalties as are now prescribed by law for the collection of the State revenue; and his compensation for said services shall be fixed by said court of claims.

§ 4. This act shall take effect from and after its passage.

Approved January 11, 1888.

CHAPTER 4.

AN ACT for the benefit of the Wolfe county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Wolfe county be, and the same is hereby, allowed to levy an *ad valorem* tax, not to exceed forty cents on each one hundred dollars' worth of taxable property in said county, and a per capita tax, not to exceed four dollars on each poll who is chargeable with poll tax in said

county, for the years 1888 and 1889, for the purpose of paying off their court-house debt.

§ 2. This act shall take effect from and after its passage.

Approved January 11, 1888.

CHAPTER 5.

AN ACT to allow the court of claims of Livingston county to levy an ad valorem tax to pay off its indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Livingston county court of claims, a majority of said court being present, be, and they are hereby, authorized to levy an ad valorem tax for the years 1888, 1889 and 1890, not to exceed twenty cents on the one hundred dollars' worth of taxable property in said county for any one of said years. Said tax so levied shall be applied to the payment of the indebtedness of said county to W. W. Stewart.

§ 2. That said tax shall be collected and paid over by the sheriff of said county as other county tax is paid and accounted for, and the sheriff shall be responsible on his official bond for the faithful performance of his duty under this act.

§ 3. This act shall take effect from its passage.

Approved January 12, 1888.

CHAPTER 6.

AN ACT to change the boundary line between the counties of Pike and Floyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundary line between the counties of Pike and Floyd be changed as follows: Beginning with the Martin and Floyd county line at the top of

the ridge between the Rituas and the left hand fork of the big branch of the Brushy fork of John's creek, and running down the center of said ridge to said Brushy fork at the mouth of said Rituas branch; thence with the meanderings of said Brushy fork to its mouth; thence up said John's creek with its meanderings to the lower end of David Rousse's line; thence up the ridge with said line, and with Mont. Bevin's line to the top of the dividing ridge between said John's creek and the Buffalo fork of the same; thence with said dividing ridge around the head of the Missouri branch of John's creek to where the present line between Pike and Floyd counties crosses said ridge.

§ 2. This act to take effect and be in force from its passage.

Approved January 12, 1888.

CHAPTER 7.

AN ACT to amend an act, entitled "An act concerning roads and bridges in Caldwell county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section (7) seven of said act be amended by inserting, in place of the words "first Monday in July, one thousand eight hundred and eighty-five, and on the first Monday in July of each year thereafter," occurring in the first, second and third lines of said section, and insert in lieu thereof the following words, viz: "Tuesday following the second Monday in February, eighteen hundred and eighty-eight, and on the Tuesday following the second Monday in February of each year thereafter."

Approved January 12, 1888.

CHAPTER 9.

AN ACT to enable the Fayette County Board of Supervisors to extend its sessions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fayette County Board of Supervisors may have such time as it requires, not exceeding fifteen days, to complete the work imposed on it by article 7, chapter 92, of the General Statutes.

§ 2. This act shall take effect and be in force from its passage.

Approved January 14, 1888.

CHAPTER 10.

AN ACT to authorize the county court of Marion county to levy an ad valorem tax in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Marion, a majority of the justices of the peace in commission in the county being present and concurring, are hereby empowered to levy an ad valorem tax, in addition to that now authorized by law, upon property in the said county subject to taxation for State revenue, not to exceed fifty cents on each one hundred dollars of taxable property; the amount under this act to be appropriated to paying off any debt or claim said county may owe or may hereafter owe; said tax to be collected as other tax is now collected by law.

§ 2. This act shall be in force from its passage.

Approved January 14, 1888.

CHAPTER 12.

AN ACT to incorporate the Citizens' Bank of Shelbyville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a bank of discount and deposit in the town of Shelbyville, with a capital stock of fifty thousand dollars, which may be increased from time to time, as the board of directors may deem advisable, to any sum not exceeding two hundred thousand dollars, in shares of one hundred dollars each; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name of Citizen's Bank, and shall have perpetual succession, with all the rights and privileges of a natural person, in its said corporate name, in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending in all courts and places whatever; and shall have all other rights and powers usual and incident to such corporations; and may have and use a common seal and change the same at pleasure.

§ 2. The property, business, and affairs of said corporation shall be under the management, government, and control of a board of directors, to consist of not less than five nor more than fifteen persons, as the by-laws may from time to time regulate and prescribe, one of whom shall be elected by the board of directors as president of the bank; and C. Kinkel, G. G. Gilbert, James Guthrie, L. W. McCormack, L. Chowning, J. H. Maddox, Wm. Bullard, J. W. Hardin, M. R. Walters, J. J. Ramsey, A. P. Carrithers, are hereby constituted and appointed a board of directors for said bank, to serve as such until their successors are elected and qualified; and in case of a vacancy or vacancies occurring in the board, the remaining directors shall have power to appoint a qualified stockholder to fill it until the next regular election. Said board of directors shall provide for an election of directors by the stock-

Bank established
Capital stock.

Powers to sue
and be sued.

Board of directors' duties.

Incorporators.

Election, notice
to be given when
to be held.

holders within two years from the organization of the bank and every two years thereafter; and all elections of directors by the stockholders shall be held at the place of business of the bank, and notice of which shall be given in a newspaper published in the town of Shelbyville, for four weeks preceding each election; and such elections shall be held under the inspection of two or more persons, to be appointed by the board of directors, who shall certify the result under their respective signatures, and a plurality of votes cast shall elect; and each stockholder shall be entitled to one vote for each share of stock which he may own, and may cast the same in person or by proxy in writing; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in execution thereof, and in all cases directors shall continue in office until their successors are elected and qualified. No one shall be elected director who is not a stockholder.

§ 3. The persons named in the second section of this act, or any one of them, may open books for and receive subscriptions for the capital of said bank at such times and places, and subject to such terms and conditions as they may deem proper; and when ever five hundred shares of the capital stock of said bank shall have been subscribed and forty per cent. thereof paid in, in accordance with the terms and conditions upon which the same were subscribed, and affidavit to that effect has been made by one of the incorporators above named, before the clerk of the Shelby county court, said corporation may proceed to transact a general banking and financial business, and may lend money, discount promissory notes, buy and sell exchange, stocks, bonds, mortgages and other evidences of debt, and take personal and other securities for same. The said bank shall have the power to make advances on approved securities, upon agricultural products, including growing crops,

Stockholders to
vote.

Commissioners
to open books.

When to begin
business.

May take liens
on property as
security.

and upon all manufactures and fixtures as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city or county or company, and secure any debt or liability to said bank by mortgage on any real or personal property in or out of this State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

May sell property taken for security or debt.

§ 4. Said bank may receive deposits of gold, silver, bank notes, or other currency, and repay the same in kind or as may be agreed upon with the depositors by special or general contract, and may allow interest on deposits. It may issue certificates of credit, payable throughout the United States and elsewhere, for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

§ 5. The said bank may acquire, hold, possess, use, occupy and enjoy all such real and personal property, goods, chattels and other things as may be convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey, or otherwise dispose of the same as a natural person: *Provided*, That said bank shall not hold any real estate conveyed to it as security for, or in payment in whole or in part of, any debt, judgment or decree, for a longer period than five years.

May hold real estate.

When to sell real estate taken for debt.

§ 6. Said corporation may build a safety vault with a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time as may be agreed between such corporations and such

persons as may jointly or severally rent one or more of said boxes or compartments.

§ 7. That all such subscribers for the capital stock of said bank as shall fail to pay forty per cent. on each share subscribed for, at such time and place as may be designated by the persons named in the second section of this act, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others under the directions of said persons named in the second section. And in case any subscriber shall fail to pay any subsequent call made by the board of directors (who are hereby authorized to make such calls) for the unpaid balance of his subscription, and remain in default for sixty days from the date of such a call, the board may, in its discretion, forfeit his stock for the benefit of the bank, upon the bank refunding to him his money, and sell said stock to other parties. The form of certificates of shares of stock shall be regulated by the board of directors, and no transfer of stock shall be binding as to the bank until it shall have been notified thereof, and the same transfer has been entered upon the books of the corporations; and a lien is hereby created in favor of said corporation on the stock of each shareholder, for any claim that the corporation may have for any unpaid part of his shares to said bank.

Subscribers to
forfeit for non-
payment.

May forfeit paid
up stock.

§ 8. The board of directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations for the management, government and control of its property, business and affairs as they may deem expedient, not inconsistent with the laws of this State or the United States, and alter, amend and repeal the same at will, and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business. They may appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services as they may think reasonable. The

May make by-
laws.

Appoint agents
and take bonds
from them.

cashier and clerk, and such other officers as the board of directors may require, shall, before entering upon their respective duties, execute a bond to the bank with security approved by said board, and such conditions as they shall require, and to be renewed when demanded by said board; and upon any bonds thus taken recovery may be had for breaches of conditions thereof.

§ 9. The president, directors and other officers of this bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace or notary public of this State faithfully, honestly, and to the best of their ability, skill, and judgment to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation; and that they will not, during their continuance in office, knowingly sanction or permit any of the provisions of this charter to be violated.

§ 10. The stock of this bank shall be deemed personal property, and every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him.

§ 11. The cashier and clerks of this bank shall be prohibited to indorse any person's paper or bond, or to engage in any hazardous business.

§ 12. This act shall take effect and be in force from its passage, and continue for thirty years.

Approved January 14, 1888.

CHAPTER 14.

AN ACT to amend an act, entitled "An act to empower the Lewis county court of claims to regulate the levying and collecting the county levy, and to levy and collect an ad valorem tax for the payment of county expenses and claims," approved March 10, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the first section of an act, entitled "An act to empower the Lewis county court of claims to regulate the levying and collecting the county levy, and to levy an *ad valorem* tax for the payment of county expenses and claims," approved March 10th, 1880, be, and the same is hereby, amended by inserting in said section, in the third line thereof, in lieu of the words "ten cents," the words "twenty-five cents."

§ 2. This act shall take effect from and after its passage.

Approved January 14, 1888.

CHAPTER 15.

AN ACT to amend the charter of the Traders' Deposit Bank of Mt. Sterling, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Traders' Deposit Bank of Mt. Sterling, Kentucky," approved March 8, 1876, be amended as follows :

§ 2. That the capital of said bank shall be increased to two hundred thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to three hundred thousand dollars, to be subscribed and paid as hereinafter specified.

§ 3. That section 4 of said act of 1876 shall be

amended, and the words "seven directors" be substituted for the words "five directors."

§ 4. That said directors shall, at their annual meeting and election of offices, elect one of their number vice-president, and the person so chosen by the remaining directors shall hold office as a director, until his successor is elected and qualified at the next annual meeting.

§ 5. That the present board of directors shall have the right to elect two additional directors, and the seven shall then elect one of their number as vice-president of said bank, and the board as thus constituted shall act until the next annual election of officers thereafter for said bank.

§ 6. This act shall take effect from its passage.

Approved January 18, 1888.

CHAPTER 16.

AN ACT to extend and continue the charter of the Bank of Maysville.

WHEREAS, It is represented to this General Assembly that the charter of the Bank of Maysville will expire and cease on the 17th day of March, 1891; now, in order to extend and continue the same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chartered rights of the president, directors and company of the bank of Maysville shall extend and continue in full force for thirty years from and after said 17th day of March, 1891.

§ 2. Said bank, under the extension and continuance hereby granted, shall be subject to the restrictions, limitations, penalties, conditions and duties, and be entitled to all the rights imposed upon and granted to it by the act of incorporation and any acts relating thereto.

§ 3. The General Assembly of the Commonwealth

of Kentucky hereby reserves to itself the right to alter, change, amend or repeal this act, and the charter and this amendment thereto, at its pleasure.

§ 4. Before this act shall go into effect it must be approved and accepted by a majority in interest of its stockholders, either at their regular meeting or at a meeting for that purpose called by the president and directors of said bank; and if approved and accepted, notice thereof shall be given by the president of said bank to the Governor of this Commonwealth, and when given, this act shall be in full force and effect.

Approved January 18, 1888.

CHAPTER 17.

AN ACT to amend an act to incorporate the Bourbon Bank, approved March 9, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Bourbon Bank, approved March 9th, 1867, be amended as follows: That section 1 be so amended that the number of directors authorized by said act be increased from six to ten, and also that said board of directors be authorized to elect, in addition to a president already provided for by law, one vice-president from their number.

§ 2. That section 4 be so amended as to read: "Said bank may receive deposits of gold, silver, bank notes and other notes, which may be lawfully circulating as money, and repay the same in such manner and at such time as may be agreed upon with the depositors, by special or general contract; may deal in the loaning of money, exchange, promissory notes and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in

writing, in all respects as natural persons may do under the law; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, drawers, and indorsers."

§ 3. The organization of the said bank, as already made, is hereby ratified and legalized.

§ 4. This act shall take effect from and after its passage.

Approved January 19, 1888.

CHAPTER 18.

AN ACT for the benefit of Green county, and to empower said county to fund and compromise its present railroad indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court purchase bonds, bearing interest, etc.

§ 1. That the county court of Green county, consisting of the presiding judge, or such judge with a majority of the justices of the peace, be, and is hereby, authorized and empowered to make and enter into any contract or contracts, with any person or persons, corporation or association of persons, for the compromise, purchase, or redemption of any and all bonds, coupons, judgments, or other indebtedness of said county, whether the same be due or not, growing out of the issue of any bonds or coupons heretofore issued by said county; and said county, acting through its county court as aforesaid, or such agents as may be appointed by said county court of Green county, are hereby authorized and empowered to execute and carry out such contracts as herein provided, and for that purpose it is hereby authorized to issue, negotiate, and deliver any new bonds of said county, not exceeding in par value an amount sufficient to pay off

said county indebtedness, in such denominations as it may deem best, and on such time as said court may think proper, not exceeding eight years, and bearing interest at any rate not exceeding six per cent. per annum, with coupons attached to represent the interest, payable semi-annually at such time and place as said court may deem best; the bonds to be signed by said county judge and countersigned by the county court clerk, with the seal of said county attached, and coupons to said bonds to be signed by the clerk alone.

And it shall have the right to sell all or any number of said bonds at not less than their par value, the proceeds of which shall be used to buy the present outstanding debt of Green county, created for railroad purposes, at rates not to exceed thirty cents on the dollar, or to exchange the same with holders of bonds of Green county, or judgments against said county now outstanding, upon such terms as may be agreed to by the holders thereof, not to exceed thirty cents to the dollar, and upon the surrender and cancellation of the old bonds or proper receipt against judgment: *Provided*, That in such exchange no greater rate shall be allowed than thirty cents on the dollar for said old bonds or judgments. And the county clerk of said county shall keep, under the supervision of the said presiding judge of Green county, a record of all bonds issued under this act, showing the date of such bonds, when and where payable, the amount thereof, and the number of coupons attached to each bond, which record shall also show the number and amount of such bonds sold and the number and amount exchanged for the old bonds or judgments against said county. The records shall also show the number, par value of bonds and coupons taken up and canceled by sale or exchange of the new bonds, and said record shall be open at all times to the inspection of the tax-payers of said county, or any holder of either issue of bonds.

Bonds used to
buy the present
outstanding in-
debtedness.

County clerk
keep record of
bond.

§ 2. That the faith and the credit of the county of Green be, and the same is hereby, pledged to carry

out, in good faith, any and all contracts made by it for the issue of said bonds, purchase, compromise, and redemption of any and all bonds and coupons issued under the first section of this act; and any and all bonds and coupons issued and delivered under this act shall be valid and binding on the parties thereto; and any bona fide holder or owner of any such bonds or coupons issued and delivered as aforesaid, on obtaining a judgment in any court of competent jurisdiction against the said county, shall, if the said county court refuse, for thirty days after demand, to levy and proceed in good faith to have collected a tax sufficient to pay any such judgment, interest and costs, be entitled, on application to the circuit court, or in vacation to the circuit judge of the Green circuit court, after having notice thereof served on the judge of said county, to have an order made based on the last preceding assessment, levying a tax and appointing a collector, whose duty it shall be to collect from the tax-payers of Green county sufficient to pay off such judgment, interest and costs, and the cost of collecting the same; and the collector so appointed shall have all the power given by law to the collectors of the State revenue and county levies, and be liable in like manner: *Provided also*, That any collector appointed under this section shall, before he proceeds to act, execute a bond, with good solvent surety, to be approved and attested by the judge of said circuit court, the same to be by him delivered to the Green county court clerk for safe-keeping; and should the county court, held by the county judge and justices, or by the county judge, fail, for ten days after demand in writing, to levy and proceed in good faith to collect, it is hereby made the duty of the circuit court or judge thereof in vacation, being informed of such failure by any bona fide bondholder or his attorney, to levy and have collected, as in case of a judgment, a tax to pay off semi-annual interest on past due coupons of

Owners of bonds.

County court refuse to levy.

Appoint collector and define duties.

bonds issued under this act, of which application the county or judge thereof shall have ten days' written notice.

§ 3. That if at any time all the justices of the peace of Green county shall resign, or if at any time the number of justices, from death, resignation or other cause, be reduced to a less number than a majority of all the justices to which, by law, said county is entitled, then and in that event the county judge of said county, sitting as a court, shall have and exercise all the powers and duties of the county court of Green county, within the meaning and purview of this act, and possess and exercise all the powers conferred upon the Green county court by this act.

§ 4. That it shall be the duty of all collectors appointed under the provisions of this act to make monthly reports, under oath, to the county treasurer of Green county of all moneys collected by him, less the commissions allowed by law or order of the court or judge making the levy. And it is hereby made the duty of the treasurer of Green county to deposit all moneys collected under the provisions of this act, so soon as he receives the same, in some solvent bank, with a paid-up capital of not less than one hundred thousand dollars, to the credit of Green county, which money shall be paid out by such bank only upon the check of the treasurer of Green county, certified by the clerk of said county. And no such collector or treasurer shall have the right to use or loan the said money, or any part thereof, for any purpose whatever save and except as provided in this act.

§ 5. All such collectors shall collect the entire tax in his hands, and pay the same over to the county treasurer within six months from the time the tax books are placed in his hands for collection; and it is hereby made the duty of the sheriff of Green county to collect all tax levied by the county court under this

Failure of sheriff
or tax collector
to pay over or
collect taxes.

act; and should he fail, for ten days after the levy of any such tax and notice to him, to execute the bond, with good and sufficient surety, to be approved by the county court, or if there be no incumbent of that office then it shall be the duty of said county court to declare, by order of record, his office of tax collector vacant; and in that case it is made the duty of the said county court to appoint a tax collector, and take good and sufficient bond from him, with good and approved surety, and fix, by order, the compensation of such collector; and if any sheriff or tax collector shall fail to collect or pay over the taxes, as provided in this act, to the county treasurer, such sheriff or collector so in default shall, with his sureties on his official bond, shall be liable to an action or motion on ten days' notice in the Green circuit court, in which action the county of Green, in its own name, shall recover for any default of the sheriff or collector the amount due the county, with interest from the time it should have been paid, the costs of the action or motion, and ten per cent. damages on the amount found due and recoverable; and should the treasurer of Green county fail to pay over any money in his hands when it becomes his duty, or when ordered to do so by the Green county court, he and his sureties shall be liable in like manner as is herein provided in regard to sheriffs and tax collectors; and the Green county court, held by the county judge, shall have the right to require all sheriffs, tax collectors and the treasurer of Green county to renew or give additional surety upon their official bonds as such officers as often as he may think proper, so as at all times to have securities on said bonds good and solvent for any amount of money in their respective hands.

Green county
court make a
levy, appoint
collector.

§ 6. That it shall be the duty of said Green county court to have an assessment, make a levy, appoint a collector, and have collected from the tax-payers of Green county, upon all property which is now or that may hereafter be assessed for and subject to taxation

for State revenue purposes, to pay the semi-annual interest or past due coupon on all bonds issued under the provisions of this act, and also to provide a sinking fund to pay off and take up the bonds at maturity.

§ 7. That the said county court of Green county shall cancel all bonds and coupons purchased under the provisions of this act by writing on the face thereof, with red ink, the following: "This bond has been bought in by Green county, and is not to be re-issued;" and the county court clerk, in the presence of the county judge, after having made a record of the bonds and coupons purchased under this act, shall burn the same.

Cancellation of
bond.

County court
clerk, make rec-
ord of bond.

§ 8. *Be it further enacted*, And as an inducement to the tax-payer of Green county to furnish the money with which to at once purchase the outstanding bonds and debts of said county, it is hereby made lawful for the tax-payers, or any of them, of Green county, to pay to the county treasurer his or their taxes due, or to become due, to said county, taking his receipt therefor; and all payments so made are declared a valid payment of such a one's share of the taxes due, or to become due, on account of the present indebtedness of said county, to the extent he or they may thus pay; and if the amount of the payment or payments thus made shall be equal to or exceed the whole amount of taxes due, and to become due, by such tax-payer, to take up the bonded debt of said county and provide a sinking fund as aforesaid, then the tax-payer so paying shall be relieved from any further taxes under this act; and should any tax-payer pay, under this section, more than his proper quota of said indebtedness, then it shall be the duty of the county to refund to him the overplus so soon as ascertained, or as may be agreed upon; and the treasurer of Green county shall keep a record-book, in which he shall open an account with the parties making advancements under this section, which book

Provide sinking
fund.

Treasurer of
Green county
keep record
book.

shall be carefully indexed, and show the full names of the payers, the amounts paid and the date of the payment; and the book shall be subject, at all times, to the inspection of the parties making advances and the Green county court and the sheriff or collector; and the money or moneys thus collected shall be deposited by the treasurer in like manner as that taken in through the collectors, and be subject to the same restrictions in every respect; and the county court shall make the treasurer the proper allowance for his trouble under this act, to be paid out of the amount collected.

§ 9. *Be it further enacted*, That it is hereby made lawful for the tax-payers of Green county, or any of said tax-payers holding any bond or bonds issued under this act, to deliver the same to the treasurer of Green county in payment or part payment of their taxes due, or to become due, on account of the indebtedness of said county by issuing the bonds authorized to be issued under this act; and all bonds thus surrendered to said treasurer are hereby declared a valid payment of such one's share of the taxes due, or to become due, on account of said indebtedness of said county to the extent he or they may settle and pay the same by the surrender of said bond or bonds; and if the amount of said bond or bonds thus surrendered shall be equal to the whole amount of taxes due, and to become due, by such tax-payer, to take up the bonded debt of said county caused by the issuing of bonds under this act, then said tax-payer so settling and paying his or their share of said taxes shall be released from any further taxes on account of the issuing of the bonds herein authorized to be issued. Said tax-payer or tax-payers thus surrendering his or their bonds shall take the receipt of the treasurer for the same, and said treasurer shall deliver the same to the clerk of the Green county court to be by him cancelled as herein provided.

Tax-payers holding bonds deliver same to treasurer.

Tax-payer surrender bonds, take receipt of treasurer.

§ 10. That if any sheriff, collector, or the county treasurer, or other county officer having charge or control thereof, shall use, loan, or in any way mis-apply any money or moneys collected or raised under this act, except the commissions to which, by law, they may be entitled, or shall be a party to such mis-application of said fund, or any part thereof, or aid or assist any one so offending, shall be guilty of felony, and upon indictment and conviction, shall be confined in the penitentiary of this Commonwealth for the period of not less than two nor over ten years.

Sheriff, collector, county treasurer having charge thereof should misapply, be guilty of felony.

§ 11. That if any judgment for interest or principal of any of said bonds shall at any time be surrendered, such judgment from the day of its rendition shall constitute a prior lien on all the real and personal property in said county subject to taxation under the revenue laws of this State then in force.

§ 12. Any court rendering such judgment shall have the power, when satisfied in a summary way that the collection of the same will be unreasonably delayed, shall, on motion of the plaintiff therein, refer the matter to a special commissioner, with instructions to ascertain by a day named the amount which each tax-payer will have to pay, in order to raise the amount of such judgment, and the cost of collection and of the proceeding, making proper allowance for delinquents. Said commissioner shall be guided as far as practicable by the last book of the assessor of taxes, and for that purpose the person having charge of the same shall afford said commissioner free access thereto and a copy thereof. And if access to said tax assessor's book can not be had, then said commissioner may, under the order of said court, ascertain the pro rata amount properly due from each tax-payer in the county.

Collection of same unreasonably delayed.

Cost of collection

Allowance for delinquents.

Access to tax assessor's books.

§ 13. When such report is completed the same shall be filed in the office of the clerk of the court that ordered the reference; and said commissioner shall at once give notice of the filing thereof by publica-

Report completed, placed on file in clerk's office.

Exceptions of
commissioner's
report.

Court confirm
commissioner's
report.

Surplus collected
be turned over to
the commission-
ers.

Compensation of
officers.

tion in some newspaper published in Marion, Taylor, or Green county, and that the same will be subject to exceptions until a day named by said commissioner, not less than twenty days from and after the filing of said report. Like notice may also be posted at the court-house door in Greensburg, and such other places in said county as he deems best. At the next regular term of said court not sitting within sixty days after the filing of said report, said exception shall stand for hearing, and shall be as speedily heard as the convenience of the court will permit, and may be continued from day to day until completed, and the court may hear oral or written evidence in a summary way, for or against such exceptions; and may confirm said report or again refer the matter to the commissioner until a report is reached which ought to be approved and confirmed, and then such court shall confirm the same, and then the amounts in said report as against each tax-payer shall stand and be taken as a judgment against him and be secured by a lien as hereinbefore provided; and if the amounts thus found are not paid to the sheriff or collector, or a receiver of the court appointed by said court, for the space of sixty days after the confirmation of said report, then the plaintiff may take out execution therefor and cause the collection of the same as in case of the collection of other judgments and executions of *feri facias* and with like costs, or the collection may be enforced by rule and process of contempt. If any surplus be collected, the same shall be turned over to the commissioners of the sinking fund for said county. Any officer or receiver making collections under such judgment without execution or rule, may be allowed compensation therefor not in excess of that allowed by law for collecting the State revenue. If payment be coerced by execution of *feri facias* or rule, then such officer or receiver shall be allowed all legal costs and commission as in other like collections.

§ 14. If any county judge of said county, or any justice of the peace in and for said county, or sheriff or collector, shall willfully fail to perform any duty required by this act, or willfully evade the performance thereof by any means, such officer so evading or failing shall be liable in damages to any creditor of said county under this act for the full amount of such damages, jointly and severally, and subject to fine on indictment therefor in any sum not less than five hundred dollars or more than one thousand dollars, by any court having jurisdiction thereof.

Failure of any officer to perform duty subject to fine.

§ 15. If for any reason no tax shall be levied in any year to meet the current interest on the bonds provided for by this act, and to provide for the sinking fund to pay the same at maturity, then for such year or years there is hereby levied the sum of one dollar on each one hundred dollars in value of all property liable to taxation for State revenue, to be collected, paid over and appropriated as hereinbefore provided.

Failure to levy tax for any year.

§ 16. Said county court shall have full power to appoint commissioners of the sinking fund, not less than three nor more than five in number, and a county treasurer, to require good and sufficient bond with surety of each, and to make and enforce rules for their regulation and guidance by proper orders on the order book of said county court, to see that the funds coming to said commissioners are properly and safely invested, and to retire said bonds as fast as practicable; and to aid in that purpose said bonds shall at their issue be numbered from one up consecutively; and said commissioners shall have the right to demand of the holders of said bonds, beginning with the lowest number and proceeding in order of numbering; and any bond may be called in by personal demand on the owner or advertisement in any daily newspaper published in Louisville, Kentucky; and after such demand, or after three days of such publication, the bonds or bond thus called shall bear interest no further. Said bonds shall show on their face that they are issued under the authority of this act.

County court, power to appoint commissioners of sinking fund.

Duty of commissioners.

Call in bonds.

§ 17. Before any of the bonds provided for in this act shall be issued, an election shall be held at each voting place in said county, where elections are usually held, by the regular election officers of the county, or those appointed for the purpose by said county court. At such election a poll book shall be prepared and furnished by the clerk of said county court, having two columns, one headed "For compromise" and the other "Against compromise," and delivered to the proper officers of each voting precinct. Said election shall be held under an order of said county court submitting said question, after twenty days' notice thereof, by printed or written notices thereof posted up at the several voting places in said county, and at such other places as may be deemed expedient. At such election none shall vote except those qualified by law for members of the General Assembly of this State. The election shall be proceeded with, the poll books made out, certified, signed, sealed up, and returned by the proper officers to the office of the clerk of the county court of said county, as in case of the election of county officers, to be returned to said clerk's office within two days after said election. As soon as said poll books are in, or at farthest on the fifth day after said election, the presiding judge and clerk of said county court for said county, and the clerk of the circuit court of said county, or a majority of them, shall constitute a board for comparing the polls and computing the vote cast. And they, or those acting, shall find and certify the result, in writing, duly signed by those acting, and such certificate shall at once be spread in full on the order book of said county court and attested by its clerk. If a majority of said votes recorded on said poll books shall be found to be in favor of the compromise, then the bonds provided for herein shall be issued and disposed of as aforesaid. If any contest shall arise as to the result of said election, then the same shall proceed and be heard by the board provided for by law

Hold election at each voting place

Keep poll-book.

Election held under order of said county.

Board comparing polls and computing the vote cast.

in the case of contest for the office of sheriff. If a majority of said votes are cast against the compromise, then no bonds shall be issued until another election may be held according to the terms of this act.

§ 18. *Be it further enacted*, That it shall be the duty of the county court of Green county, at the October term in each year, to levy a tax sufficient to pay the semi-annual interest on said bonds issued under this act, and to provide for a sinking fund to pay off said bonds at maturity; and any tax-payer paying taxes in said county of Green, holding any bond or bonds issued under this act, the past due coupons attached thereto shall be received in payment of the taxes due by said tax-payer to pay the interest on said bonds issued under this act.

County court 'at
October term in
each year levy a
tax to pay inter-
est.

§ 19. This act shall take effect from and after its passage.

Approved January 19, 1888.

CHAPTER 20.

AN ACT to incorporate the United Loan and Deposit Bank of Campbellsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established in the town of Campbellsburg, in Henry county, Kentucky, a bank, with a capital stock of thirty-one thousand seven hundred dollars (\$31,700), in shares of one hundred dollars (\$100) each, par value, which may, by the consent of the owners of a majority of the shares of stock aforesaid, be increased to one hundred thousand dollars (\$100,000), to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assignees, shall be a body-politic and corporate, by the name and style of the United Loan and Deposit Bank, of Campbellsburg, and may so continue until this act is repealed by the

Capital stock
and value.

General Assembly of the Commonwealth of Kentucky: *Provided, however,* The board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the stockholders requires its discontinuance; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

Privileges and
seal.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued by the name aforesaid, in all places and courts whatsoever, and may have and use a common seal, and may change the same at pleasure.

Name of directors
and duties.

§ 3. The said bank shall be under the control of the following named persons as directors, to-wit: D. F. Caplinger, J. S. Smith, M. B. Perry, Albert Lindsey, A. R. Ricketts, J. Oreen, W. F. Peak, J. B. Ransdall, J. D. Collins, H. H. Adcock, and M. Hardesty. The said D. F. Caplinger shall be the president of said bank, and the said J. S. Smith its vice-president. Said directors, president and vice-president shall hold their offices until the first Tuesday in January, 1889, and until their successors are elected and qualified. Each director hereafter elected shall be a stockholder. The first election shall be held on the first Tuesday in January, 1889, and thereafter on the first Tuesday in January of each succeeding year, or if, from any cause, not on that day, then as soon thereafter as convenient. The directors so elected shall hold their offices for one year, and until their successors are elected and qualified. They shall appoint one of their number president, and another vice-president, who shall hold their positions at the pleasure of the board of directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of death, resignation or removal of any director or offi-

cer, the vacancy shall be filled by said board. Said board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell. It shall declare dividends, appoint such officers, agents or servants as it may think necessary to conduct the business of the bank, and pay them such wages or salaries, and take from them such bonds to secure the faithful performance of their duties, as it may think proper. It shall prescribe such rules as it may think best for the transfer of the stock on the books of the bank by the stockholders or their attorneys in fact. The stock shall be personal property. The number of directors to be elected in January, 1880, as aforesaid, and each year thereafter, shall not be less than five, the excess over that number, if any, to be hereafter fixed by a vote of the stockholders.

§ 4. The stock heretofore subscribed, and the names of the subscribers contained in written articles of agreement now in the hands of D. F. Caplinger, shall be entered at large upon the stock subscription book of said bank. Each subscriber aforesaid shall be entitled to a certificate of each share of his stock so subscribed when paid up by him, and said subscriber shall pay up said stock or call as made by the board of directors. But no call shall be made at any one time to exceed fifty per cent. of the stock, and no subscriber shall be in default until ten days' notice of the call shall have been given him by such means and in such manner as said board of directors shall direct. When ten thousand dollars of the capital stock shall have been paid in the bank may commence business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with depositors by general or special contract. It may borrow

or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business. May take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to the same. It may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking house of said corporation, or at any other banking house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereon.

§ 6. The bank may acquire, hold and use all such Power to hold real estate. real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security, or in satisfaction of any debt, judgment or decree, and may sell and convey the same at pleasure.

§ 7. The board of directors may make all needful May make by-laws. by-laws for the government of said bank not inconsistent with law.

§ 8. The bank shall have a superior lien on the Lien on dividends and paid-up stock. dividends and paid-up stock and deposits of any of its stockholders to secure any and all liabilities of such stockholder to the bank for subscriptions to stock; and all such paid-up stock and dividends and deposits may be applied to the satisfaction of such liability in such manner as the directors may deem proper and just: *Provided*, That such application shall be equitable, or by appropriate proceedings by suit in any court having jurisdiction.

§ 9. The private property of stockholders shall not be liable for the debts of the corporation, and the indebtedness of the bank, other than for general deposits, shall, at no time, exceed the amount of its paid-up capital; nor shall said bank issue any note or bill to pass or circulate as money. Private property exempt from corporate debts.

§ 10. Before entering upon their duties the directors and other officers of the bank shall take an oath before some person duly authorized by law to administer oaths to faithfully and honestly discharge all the duties imposed upon them and each of them under this charter, and that they will not sanction or permit any violation of it. Oaths of officers.

§ 11. The officers, agents, or servants of said bank, appointed by the board of directors thereof, shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time with or without cause. Term of office of officials.

§ 12. All elections provided for by this charter shall be held at the banking house of said corporation, in such manner and by such officers as may be determined upon by the board of directors, and the result of such elections shall be declared in the manner and by the persons selected by said board. Time and manner of holding elections.

§ 13. The General Assembly shall have the right to examine the affairs of the bank by a committee appointed for that purpose, and it reserves the right to alter, amend, or repeal this charter at pleasure. General Assembly may examine its affairs.

§ 14. The privileges of this charter shall continue in force for thirty years, unless previously closed by the stockholders.

§ 15. This act shall take effect from its passage.

Approved January 21, 1888.

CHAPTER 21.

AN ACT to incorporate the Deposit Bank of Pleasureville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank in the town of Pleasureville Depot, in Henry county, Kentucky, with a capital stock of thirty thousand dollars, in shares of one hundred dollars each, par value, which may, by the consent of the owners of a majority of the shares of stock aforesaid, be increased to fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns shall be a body-politic and corporate, by the name and style of "Deposit Bank of Pleasureville," and may so continue for thirty years from its organization. But the "board of directors" of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued by the name aforesaid, in all places and courts whatsoever, and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of the following named persons as directors, namely: J. W. Slemmons, Albert Bergen, Thomas F. Reese, George W. Williams, L. W. Demaree, R. M. Smith, S. H. Bryant, William Irvine, Prentice Clubb, who shall hold their offices until the second Tuesday in January, 1889, and until their successors are elected and qualified. Each director hereafter elected shall be

a stockholder, and a majority of the directors shall be at all times residents of Henry and Shelby counties. And after the first election, which shall be held Term of office. on second Tuesday in January, 1889, they shall be chosen on second Tuesday in January of each year, or if not on that day, from any cause, then, as soon thereafter as convenient, and shall hold their offices for one year, or until their successors are elected and qualified. They shall appoint one of their number Election of president and other officers. president, and may, if they desire or think best and necessary, at any time, appoint also from their number a vice-president, who shall hold his position at the pleasure of the board of directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation, Fill vacancies. or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell; shall declare dividends; appoint such officers, agents, or servants as Appoint agents and require bonds. they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties as they may think proper; shall prescribe such rules as they may Make by-laws. think best for the transfer of the stock on the books of the bank, by the stockholders or by an attorney. The stock shall be personal property. The number Number of directors. of directors to be elected in January, 1889, and each year thereafter, shall be not less than five nor more than nine, the number to be hereafter determined by a vote of the stockholders.

§ 4. James P. Bryant, R. M. Smith, Wm. Carroll, Commissioners. C. F. Dudley and George Slemmons are hereby appointed commissioners, any three of whom may act and may open books of subscription to the capital

stock of the corporation, and as shares to the amount of thirty thousand dollars have been already subscribed, said commissioners shall transfer said subscriptions to said books to be opened by them, and shall give notice thereof in one or more newspapers, and shall, in said books, enter the names of the subscribers and amount of stock subscribed for by each of them. The payment for the shares subscribed shall be made in such installments or at such times as the board of directors may order; and when ten thousand dollars shall have been paid in the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking hours of said corporation, or at any other banking hours, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly or severally, against the drawers, acceptors and indorsers thereof.

§ 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary

for the transaction of its business, or which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, and shall sell and convey the same within five years. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

§ 7. The private property of stockholders shall not be liable for the debts of the corporation. The in- Private property not liable for corporate debts. debtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

§ 8. Before entering upon their duties the presi- Take oath. dent, directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties imposed upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report the same to the Attorney General of this Commonwealth.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

§ 10. The officers, agents or servants of said bank appointed by the board of directors thereof, shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time with or without cause.

§ 11. All elections provided for by this charter shall be held at the banking house of said corporation, in such manner and by such officers as may be determined upon by the board of directors, and the result of such elections shall be declared in the manner and by the persons selected by said board.

§ 12. The General Assembly shall have the right to examine the affairs of the bank by any committee, officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure. General Assembly may examine

§ 13. This act shall take effect and be in force from and after its passage.

Approved January 21, 1888.

CHAPTER 22.

AN ACT to establish the Bell Male and Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

**School estab-
lished.** § 1. That a school for the education of boys and young men and girls and young ladies, shall be, and the same is hereby, established in or near Yellow creek, in the county of Bell, to be known by the name and style of the "Bell Male and Female Institute."

Incorporators. § 2. That Houston G. Colson, W. B. Moss, M. J. Moss, J. S. Bingham and H. B. Hogg, and their successors in office, are hereby constituted a body-corporate, with perpetual succession, by the name and style of the "Trustees of the Bell Male and Female Institute."

**Power of trus-
tees.** § 3. That said trustees and their successors in office shall have power to receive and hold, for the benefit of the Institute, by subscription of stock, donation, devise or purchase, any lands, tenements, money or other property, not exceeding fifty thousand dollars in value; to sell and dispose of the same or any part thereof in such manner as they shall deem best for the Institute; to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any and all courts of competent jurisdiction.

**Capital stock.
How divided.** § 4. That the capital stock of said corporation shall be divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferred as prescribed by the by-laws.

**Trustees to elect
officers and make
rules for govern-
ment.** § 5. That said trustees may elect from their body a president and secretary, and have power to make and adopt all needful rules, regulations and by-laws for the control and management of the property and affairs of the corporation, and the government of the Institute, not inconsistent with the Constitution and laws of Kentucky or the United States; to prescribe

the course of studies to be pursued; to appoint or elect all officers, agents and teachers, and fix their salaries, and to fill vacancies that may occur in their own body.

§ 6. This act to take effect from and after its passage.

Approved January 21, 1888.

CHAPTER 24.

AN ACT to amend an act, entitled "An act to incorporate the Lexington Cemetery Company," approved February 5, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to incorporate the Lexington Cemetery Company," approved February 5th, 1848, be, and the same is so amended, as to strike from the first section thereof the words, "not exceeding one hundred acres," and to substitute in lieu thereof the words, "not exceeding two hundred acres." Said Cemetery Company is hereby authorized and empowered to purchase, own, or hold any quantity of land in Fayette county, not exceeding two hundred (200) acres, and to receive conveyances therefor, with such covenants as may be deemed proper.

§ 2. All former purchases by said company, and all conveyances heretofore made to the same, though it may have bought and received conveyance of land in excess of one hundred acres, are nevertheless hereby legalized, and are and shall be held valid and effectual for all purposes, to the same extent as if this act had been passed and approved before such purchases and conveyances had been made.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 23, 1888.

CHAPTER 25.

AN ACT to incorporate the Pineville Banking Company, Pineville, Bell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There is hereby established a bank in the town
 Bank established of Pineville, Bell county, Kentucky, to be called the
 Capital stock. Pineville Banking Company, with a capital stock of
 fifty thousand dollars, with the privilege of increasing
 to one hundred thousand dollars, in shares of one
 hundred dollars each, to be subscribed and paid for
 as hereinafter provided, and the subscribers to said
 stock, their associates, successors and assigns, shall be
 Corporate name a body-politic and corporate, by the name and style of
 of bank. the Pineville Banking Company, and shall so continue
 for the space of thirty years from its organization, and
 shall be capable of contracting and being contracted
 Power to sue with, of suing and being sued, of impleading and be-
 and be sued. ing impleaded, of answering and defending, in all of
 the courts and places whatsoever ; it may have a com-
 mon seal, and change and renew same at pleasure.

§ 2. Said bank shall be under the control and direc-
 Number of di- tion of nine directors, each of whom shall be stock-
 rectors. holders, who, after the first election, shall be elected
 Time of election. on the fourth Monday in December in each year, or as
 Term of office. soon as practicable thereafter, and who shall hold
 office for one year, or until their successors are elected
 To elect officers. and qualified ; they shall elect one of their number
 president on the first Saturday in January following,
 and one vice-president, who shall act in his stead in
 case of the death, absence, or other inability of the
 president ; and they shall hold their meetings when-
 ever and at such times and places as they may deem
 Fill vacancies in necessary and proper ; and in case of the death, resig-
 board. nation, or inability to serve of any director, the va-
 cancy shall be filled by the board of directors out of
 the stockholders. The directors shall have power to

receive subscription for so many of the shares of the stock of said bank remaining unsold as they at any time may choose to sell, to declare dividends of the profits arising from the profits of the business, and to appoint such officers, agents, and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation and take from them such bonds to secure the true and faithful performance of their duties as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable, but only by transfer entered upon the books of said Pineville Banking Company.

Dividends.

Appoint agents and take bonds.

Stock declared to be personal property.

§ 3. James J. Gibson, James S. Ray, M. J. Moss, T. J. Asher, John Mealer, J. B. Fish, and W. M. Bingham are hereby constituted and appointed a board of directors for said Pineville Banking Company, with James J. Gibson, president, W. M. Bingham, vice-president, and James M. Pursifull, cashier, to hold office as such until the fourth Monday in December, 1888, or until their successors are elected and qualified at the ensuing regular election, at which election, and each subsequent one, every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election, and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him, but in no case shall his private property be liable for the debts of the corporation beyond the amount of his unpaid subscription. The payment for the shares subscribed shall be made in such installments or at such times as the board of directors may order, and when ten thousand dollars shall have been subscribed and paid in, the said Pineville Banking Company may begin business.

Directors and officers appointed.

How stockholders may vote in elections of officers.

Liability of stockholders.

Private property exempt from corporate debts.

§ 4. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract; it may borrow or lend money, buy or sell checks, bills of exchange, promissory notes or current money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to same; may receive deposits from minors and married women, and their checks, receipts, and acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking house of said corporation, or any other banking house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy upon said bills may be had thereon, jointly and severally, against the drawers, acceptors, and indorsers thereof.

Power to receive deposits and loan money.

May take personal or other security.

Notes, etc., made as foreign bills of exchange.

§ 5. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debts, judgment, or decree, and may sell and convey the same at pleasure: *Provided*, That said bank shall not hold any real estate conveyed to it as security for any debt due it, or in payment of any judgment or debt due it, for a longer time than five years. The board of directors may make all needful by-laws for the government of the bank, not inconsistent with the laws of this State or of the United States.

May hold necessary real estate.

Real estate held for debt to be disposed of.

6. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public

Officers and agents to take oaths.

or police judge, or any officer authorized to administer an oath, to faithfully discharge all duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will report same to the other officers of said Pineville Banking Company, who will proceed against them as the law directs.

§ 7. Any stockholder or any person or committee appointed by the General Assembly of the State of Kentucky, or any person authorized by the General Assembly of the State of Kentucky, shall at all reasonable times be permitted to examine the books of said Pineville Banking Company. Power to examine affairs of the bank.

§ 8. That this act take effect from and after its passage.

Approved January 21, 1888.

CHAPTER 26.

AN ACT to incorporate the Buena Vista and Polly's Bend Turnpike Road Company, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James L. McMurtry, David Grow, Wm. Cleaveland, Frank Bishop, Mrs. Josie Boner, and Charles Boner, be, and they are hereby, incorporated as a body-politic and corporate, under the name and style of the Buena Vista and Polly's Bend Turnpike Road Company, and by said name and style shall have power to contract and be contracted with, sue and be sued, and are hereby invested with all the powers incident and usual to such corporations, for the purpose of building a turnpike road in Garrard county, Kentucky, from Buena Vista, in said county, via the McMurtry Bend, to the mouth of Jessamine creek, upon the most practical route, as may be determined on by the board of directors.

§ 2. The capital stock of said company shall be di-

and directors may order, to be issued and paid for or sold in such manner as they may direct, not exceeding the said sum of one hundred thousand dollars in all. **Commissioners to open books for subscription.** W. W. Taber, George Wilson, Stephen Powers, R. E. Duncan, R. A. Miller, J. C. Pell, and W. S. Thomas, or any two of them, are hereby authorized to open books and receive subscriptions for stock before the election of a directory, which shall be paid for in such manner and in such installments as the president and directors, when elected, shall order or direct.

§ 3. When two hundred shares of stock shall have been subscribed for, the stockholders may meet and **When may organize.** organize by the election of not less than five nor more than seven directors, who shall be stockholders, and shall hold their office until the first Monday in January next thereafter, and until their successors shall have been elected and qualified, one of whom shall be elected president, to serve for the same period. **Election of officers.** The directors, before entering upon the duties of their office, shall swear they will faithfully discharge the duties of their office, before some officer authorized to administer oaths. **To take oaths.** They shall have power to elect a cashier and such other officers and agents as they may deem necessary and proper, and to require such **May require bonds of agents.** bonds as they may deem proper to secure a faithful discharge of their respective duties, and to remove them at pleasure, and to ordain such by-laws as may **May make by-laws.** be deemed proper for the convenient conduct of the business of said bank, and for compelling the payment of the subscriptions for stock, and may provide **Fill vacancies.** for its sale in case of non-payment. In case of the death or resignation of any director or other officer, his vacancy shall be filled by the board of directors until the next regular election, and until his successor shall have been chosen and qualified.

§ 4. The stock of said corporation shall be deemed **Stock declared to be personal property.** personal property, and shall be transferable only on the books of said corporation, in person or by attor-

ney in fact, and the bank shall have a superior lien thereon for all indebtedness of its owner or holder to the bank for any unpaid subscription of said stock.

§ 5. That said bank may transact business as a nat-
ural person, may loan money, discount promissory
notes or bills of exchange, may buy and sell gold and
silver coin, exchange, stocks, or other securities, and
all other evidences of indebtedness, and may do a
general banking business, except that it shall not
have power to make or issue notes of its own. The
promissory notes and the bills of exchange made
negotiable or payable at said bank shall be, and they
are hereby, put upon the same footing of foreign bills
of exchange, and like remedy may be had thereon,
jointly and severally, against the makers, drawers,
and indorsers. The said bank shall have the power to
make advances on approved securities, upon agricul-
tural products, including growing crops, and upon all
manufactures and fixtures as personal property. It
may receive in pledge or as surety for money loaned
or debts owing it bonds, stocks, warehouse receipts,
produce and merchandise, United States vouchers,
certificates, or bonds of indebtedness, or the bonds
of this or any other State, city or county, or com-
pany incorporated by the United States or any State,
and sell the same on the non-payment of the debt or
demand by ordinary course of judicial proceedings.

May transact
business as a
natural person.

Notes made as
foreign bills of
exchange.

May take collat-
eral security.

§ 6. That said bank may receive deposits of gold,
silver, bank notes, or other notes which may be cir-
culating as money, and repay the same in such man-
ner and at such times and with such rate of interest,
not exceeding six per cent. per annum, as may be
agreed upon with the depositors by special or general
contract. Said bank may receive deposits from minors
and married women, and the receipts and acquittances
of such minors and married women shall be valid.

Receive deposits.

§ 7. That the said bank may acquire, hold, possess,
use, occupy, and enjoy all such real estate, goods and
chattels, as may be necessary for the transaction of its

May acquire and
hold necessary
real estate.

business, or to further the object of its creation, or which may be conveyed to it as surety for any debt or purchase to aid in the satisfaction of any debt, judgment, or decree, and sell and convey the same; and said bank may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the laws of this State or the United States: *Provided, however*, That said bank shall not hold any real estate conveyed to it as security for any debt due it, or in satisfaction in whole or part of any debt or judgment for a longer period than five years.

Unlawful to issue
currency.

§ 8. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. That this act shall take effect from its passage and continue in force thirty years.

Approved January 21, 1888

CHAPTER 29.

AN ACT in relation to the police judge of Franklin, Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of Franklin, Simpson county, Kentucky, be, and he is hereby, authorized to solemnize the rights of matrimony, the same as justices of the peace are in this Commonwealth.

§ 2. This act to be in force from its passage.

Approved January 25, 1888.

CHAPTER 30.

AN ACT to authorize the Owsley county court to issue bonds to pay for public buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to enable the county of Owsley to raise money to pay for building a court-house and clerk's offices for said county and furnish the same, the county court of said county, at a regular term of said court or at a call term thereof, a majority of the justices of said county being present and concurring therein, may, by order of court, authorize and direct bonds of the county to be issued and sold for any sum not exceeding eight thousand dollars in the aggregate, and from time to time authorize a renewal of the same until said bonds shall be wholly paid; which bonds shall be signed by the judge of said court and countersigned by the clerk, and made payable to order not exceeding ten years after date thereof, but payable at any time at the pleasure of the court; bearing interest from date at a rate not exceeding six per centum per annum, which interest and at least one-tenth of the principal shall be paid annually.

§ 2. That the judge of the court aforesaid shall cause a record to be made of all bonds that may be issued under the provisions of this act, showing the amount and date of each bond, when due and to whom issued.

§ 3. That to enable said court to pay said bonds and the interest thereon for erecting said court-house, &c., it may, at any regular term of said court, a majority of the justices of the county being present and concurring therein, increase the county levy not exceeding two dollars on each tithable in the county over what is now allowed by law, and levy an *ad valorem* tax, not exceeding fifty cents on each one

hundred dollars' worth of property in the county subject to assessment for State revenue, and that the sheriff or collector shall collect and account for same in the same manner as the county levy and revenue tax are now collected and accounted for by law, having the same right to distrain therefor, and he and his securities shall be liable in like manner for same, and shall pay the money upon the order of the court, who shall apply the same to the payment of the interest and liquidation of the bonds or payment for said court-house.

§ 4. That the county court shall have power to appoint a commissioner or commissioners to collect and receive from the sheriff or collector the money raised by this act, and pay out the same to the persons entitled thereto, who shall be first required to execute bond, with good and sufficient security, for the faithful discharge of his or their duties, said bond to be executed to the county court of Owsley county, on which suit may be brought in the name of said county.

§ 5. Said bonds shall not be sold for less than their par value.

§ 6. That said county court may raise said money by the issuing and selling of said bonds or from the increased county levy and *ad valorem* tax authorized by this act, or by all of them as it prefers.

§ 7. This act to take effect from and after its passage.

Approved January 25, 1888.

CHAPTER 32.

AN ACT to regulate the powers and duties of the Washington county court of claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That before any appropriation shall be made by the Washington county court of claims for the

building of turnpikes or bridges in said county, a majority of all the magistrates holding commissions in said county shall vote in favor of making said appropriations, and the same shall be submitted to the county judge of said county for his approval, and be approved by him.

§ 2. In case the county judge of said county fails to approve or disapproves of said appropriations, then no appropriations shall be made, unless a two-thirds majority of all the magistrates holding commissions in the said county vote in favor of making the same.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. This act to take effect and be in force from and after its passage, and shall apply only to Washington county.

Approved January 25, 1888.

CHAPTER 33.

AN ACT for the benefit of common school district No. 1, in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in view of the fact that there was no school in district No. 1, in Carroll county, for the school year ending June 30, 1887, on account of the school-house there being erected was not completed, it is hereby directed that the Superintendent of Public Instruction draw on the Auditor of Public Accounts in favor of the county superintendent of Carroll county for nine hundred and twenty-four dollars and fifty cents, that being the amount of money due said district from the common school fund for said year, which money shall be paid said district for the

purpose of aiding it in having an additional five months' school term for the present year.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1888.

CHAPTER 34.

AN ACT to incorporate the Kentucky Chautauqua Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incor-
porators and
powers.

§ 1. That W. D. McClintock, E. H. Pearce, E. O. Guerrant, W. L. Threlkeld, Hiram Shaw, J. R. Deering, J. L. McKee, J. W. McGarvey, J. O. Shannon, W. M. Beckner, R. E. Edmonson, J. J. Taylor, J. N. Wilson, T. T. Eaton, J. J. Rucker, J. C. Woodward, C. P. Williamson, Alex. Pearson, Wm. Fulton, J. B. Morton, Arthur Yeger, Slaughter Bassett, J. H. Beaucamp, Chas. W. Bean, Matt. Tyler, B. F. Clay, L. H. Blanton, W. A. Parker, J. W. Rust, A. W. Mell, W. G. McCready, and C. L. Loos, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Kentucky Chautauqua Assembly; and by that name may sue and be sued, implead and be impleaded; shall have perpetual succession, shall have a common seal, and alter or change the same at pleasure; may acquire and hold real and personal estate by gift, lease or purchase, and may sell, convey or mortgage same at pleasure; may borrow money and execute all necessary notes, mortgages or other securities therefor, and shall possess such other powers as are consistent with objects and purposes of the Assembly.

§ 2. The officers of the Assembly shall be a president, vice-president, secretary, treasurer and thirty-two directors, to be elected as hereinafter provided.

§ 3. The object and purpose of the Assembly shall be to maintain an institution on the general plan of the Chautauqua Assembly of the State of New York, with class instruction and courses of lectures on art, science, philosophy, history, morals and theology, and other branches of study, and all proper and available means for moral, intellectual and religious culture, refinement and development; and its principal place of business shall be at Lexington, Kentucky.

Object and purpose of charter.

§ 4. The capital stock of the Assembly shall be fifty thousand dollars, which may, in the discretion of the board of directors, be increased to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and every subscriber shall, for each share subscribed for, be entitled to a certificate of membership in said Assembly. The amount of all subscriptions which have been made in anticipation of this charter, and all that may hereafter be made under this charter during the year 1888, shall be paid as follows, to wit: One-fourth within thirty days after demand made therefor by the board of directors; one-fourth January 1, 1889; one-fourth January 1, 1890; and the remaining fourth January 1, 1891; and all other subscriptions shall be payable as may be provided by the said board of directors. The subscriptions to be binding upon condition that the amount which has, in anticipation of this charter, been subscribed in solvent subscriptions is as much as ten thousand dollars, or will make that sum when added to similar subscriptions which may hereafter be subscribed under this charter; and in either event the Assembly may forthwith organize.

Capital stock, and how payable.

§ 5. The holder of a certificate of membership is to be entitled to two season tickets to all meetings of the Assembly free of charge (said tickets to be issued to members of one immediate family only); and if the holder thereof is married, husband and wife and their children under twelve years of age, also free; and if

Rights of holders of certificates.

the holder is a widow or widower, the children of like age, as above stated, free of charge. No dividends are to be paid upon certificates of membership, but the entire profits are to be devoted to preserving and improving the grounds of the Assembly, and to fostering the objects and purposes of the Assembly, as may seem best to those charged with its management. Certificates of membership are to be transferable only by the approval of the board of directors of the Assembly, and only with such approval will the transferee have the privileges of the original owner or holder. In the event of the death of any holder of such certificate of membership, the personal representative of such decedent, in the event the same is to be by him disposed of by sale under the general law, is to first offer the same to the board of directors, to be by it purchased or retired; and in the event the board declines to purchase or retire the same, said certificate may then be sold, and the purchaser will receive all the privileges as held and exercised by an original holder thereof. The certificates aforesaid are not to be issued until the entire purchase price thereof has been paid; but the subscriber for same shall be entitled to all privileges of a holder of a certificate, if at the time he seeks to exercise such privileges he is not in default of the payment of any installment of the price due by him as herein stated.

Board of directors,
how elected.

§ 6. The first board of directors shall be elected by a majority of the persons named above as corporators. The terms of their office shall be four years, except that one-fourth of the first board shall serve only one year, one-fourth two years, one-fourth three years, and one-fourth four years; and said first board shall by lot determine and assign one-fourth of its members to serve the one year, one-fourth the two years, one-fourth the three years, and one-fourth the four years. A majority of the legal members of the board shall constitute a quorum to do business. All vacancies in the board by death, removal from the

State, resignation, or expiration of term of service, shall be filled by the survivors upon the board of directors; but no person shall be chosen to fill any such vacancy unless such person is at the time a member of the Assembly.

§ 7. There shall be at least one general meeting of Time of meeting. the Assembly during the summers of each year—the precise time and duration of which shall be fixed by the board of directors; and during said general meeting the board of directors shall meet and convene for the transaction of any and all business in regard to the Assembly; and they may in the meantime hold such called meetings as their business may require.

§ 8. The board of directors shall have the business Powers of board of directors. control and management of the entire corporation, its property and effects; they shall elect the president, vice-president, secretary and treasurer, each of whom shall hold his office for one year; and the board shall make provision for the filling of any vacancy that may occur in any of said offices, and may appoint such agents or committees as may be deemed necessary in the prosecution of the business of the Assembly. Before the treasurer enters upon the discharge of his duties he shall execute to the Assembly a bond with sufficient security for the faithful performance of his duties, which bond shall be approved and accepted by the board of directors; and the said board shall, in their by-laws, fix and prescribe the duties and powers of the different officers mentioned in this section.

§ 9. The liability of the Assembly shall not at any time exceed thirty thousand dollars, and the private property of all the officers and members of the Assembly shall be exempt from corporate debts.

§ 10. The board of directors shall have power to Police and sanitary regulation. make and enforce such police and sanitary regulations for the control of permanent or transient residents upon the Assembly grounds as may seem necessary for the welfare and safety of such residents, and

to adopt and establish all rules, by-laws and regulations for conducting the business of the Assembly, managing and protecting its property, increasing its funds and capital stock, and enlarging its resources, not in conflict with this act or the Constitution and laws of Kentucky or of the United States. .

§ 11. This act shall take effect from and after its passage.

Approved January 25, 1888.

CHAPTER 35.

AN ACT to incorporate the German Roman Catholic "Mother of God" Cemetery Association, of Covington, Kentucky, and vicinity.

"ORGANIZATION AND CORPORATE POWERS."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Tappert, Benedict Menges, J. H. Grothans, Christopher Reis, H. J. Gansepohl, Joseph Humpert, J. H. Hengehold and John Schmidt, together with their associates, successors and assigns, be, and are hereby, created and made a body-politic and corporate, under the name of "The German Roman Catholic Mother of God Cemetery Association," of Covington, Kentucky, and vicinity, with perpetual succession; and by that name they shall have power to contract and be contracted with, sue and be sued; have and use a corporate seal, and the same to break, alter and change at pleasure; make, amend and change such by-laws and regulations as they may deem wise and proper, not against or in conflict with the Constitution and laws of the United States or the State of Kentucky; and in general may do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.

CEMETERY LAND.

§ 2. (a) This corporation is authorized to purchase, or take by gift or devise, and hold land exempt from execution, and from any appropriation to public purposes for the sole purpose of a cemetery, not exceeding two hundred acres in addition to the old Mother of God cemetery. (b) For the purpose of purchasing the necessary land for said cemetery the corporation is hereby authorized and empowered to issue its bonds, in a sum not exceeding twenty thousand dollars, and bearing interest at the rate of four per cent. per annum. Said bonds, or any such number of bonds as the board of trustees may see fit and proper, may be redeemed and called in by the board at any time after five years from date of their issuance, and no bond shall be outstanding after ten years of its issuance, and after that time shall cease to bear interest; said bonds shall be signed by the president first, secretary and chief treasurer of the board, and are not transferable unless first transferred on the books of the corporation, with the consent of the president and chief treasurer.

LIMITATION OF CONTRACTS.

§ 3. No debt shall be contracted in anticipation of future receipts, except for buying, originally laying out, inclosing, and embellishing the grounds and avenues and building vault, for which debt or debts may be contracted sufficient for the original purchase, in such an amount as may be necessary therefor, not exceeding twenty thousand dollars.

MEMBERSHIP.

§ 4. Every German Roman Catholic of Covington, Kentucky, and vicinity, and who have attained the age of twenty-one years, is a member of the Mother of God Cemetery Association.

MANAGEMENT.

§ 5. The management of the cemeteries are to be regulated by a board of trustees, composed of members of the "Mother of God," "St. Joseph," "St. Aloysius," "St. Augustine," and "St. Benedict," and other congregations of Covington, Kentucky, and vicinity. There shall be three trustees from every congregation to constitute the board, and to hold their term of office, one for one year, one for two years, and one for three years. A quorum of the board for all purposes shall be nine trustees. The board shall elect annually, in the month of March, from their own body, a president, one vice-president, one first secretary, one second secretary, one chief treasurer, and one assistant treasurer, from each congregation.

ELECTION.

§ 6. In the month of January of each year the board of trustees shall nominate two candidates for trustees for each congregation, subject to the approval of the rector of the respective congregations; the election to be held on the first Sunday in February, at the several school-houses of the respective congregations. The board shall appoint at every congregation three judges of election, and they shall, as soon as possible, notify the first secretary of the result of the election. The newly elected trustee of the several congregations enter upon their duties in the regular monthly meeting in the month of March. Two rectors of the several congregations shall also be members of the board, and hold their office alternately, as follows: For the first year, the rectors of the Mother of God and St. Joseph churches; second year, the rectors of the St. Aloysius and St. Augustine churches; third year, the rectors of the St. Benedict and Mother of God churches (and the rectors of those churches that may belong to the cemetery association), and continue in this manner alternately.

CONVEYANCE OF LOTS.

§ 7. The original conveyance of lots from the association to members shall be evidenced by a certificate signed by the president and countersigned by the chief treasurer, under the seal of the corporation, specifying that such a person is the owner of such a lot for the sole purpose of interment, under the regulations of the association.

THE BOARD TO IMPROVE AND CONTROL IMPROVEMENTS.

§ 8. The board of trustees shall have power to inclose, improve and adorn the grounds and avenues, and to erect buildings for the general use of the association, and to prescribe rules for inclosing, adorning and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement or adornment of a lot which they deem improper.

PENALTIES TO RECOVER AGAINST TRESPASSERS.

§ 9. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or grave-stone, or other structure placed in the cemetery aforesaid, or any fence or other work for the protection or ornament of the said cemetery, or any tomb, monument or grave-stone, or other structure aforesaid, on any cemetery lot, within the cemetery aforesaid, or shall willfully destroy, cut, break, or injure any tree, shrub or plant within the limits of said cemetery, shall be guilty of misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not more than six months, according to the nature and aggravation of the offense; and such offender shall also be liable, in any action in the name of the association, to pay all damages as have been occasioned by his or their unlawful acts; which money, when recov-

ered, shall be applied by the said association, under the direction of the board of trustees, to the restoration of the property destroyed or injured as above; and members of said association shall be competent witnesses in said action.

POLICE POWERS CONFERRED UPON OFFICERS.

§ 10. The superintendent and sexton of the corporation are empowered to arrest without warrant, and take before the proper officer or tribunal, to be dealt with according to law, any and all persons found offending against any of the provisions of section 9 of this act; but this power shall be exercised subject to all the responsibilities and liabilities imposed by law upon other police officers.

LEGAL TITLE.

§ 11. The legal title to the cemetery grounds and appurtenances thereunto belonging shall be held by the Roman Catholic Bishop of the Diocese of Covington, Kentucky, in trust for the use and benefit of the German Roman Catholic Mother of God Cemetery Association, of Covington, Kentucky, and vicinity.

§ 12. The constitution of this association can only be changed and amended by a two-third vote of the majority of the board of trustees, and with the sanction of the Right Reverend Bishop of Covington, Kentucky.

§ 13. This act shall take effect from and after its passage.

Approved January 25, 1888.

CHAPTER 36.

AN ACT to incorporate the Cumberland Valley Bank, at Barboursville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of discount and deposit in the town of Barboursville, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as the board of directors of said bank may prescribe; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Cumberland Valley Bank, and shall continue for twenty-five years from and after the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places whatever; they may have a common seal, and alter and change the same at pleasure. They shall have power to receive gold and silver and bank notes and other circulation or currency or deposits, and pay out and loan same; to buy and sell drafts, notes, bills of exchange, bonds and stocks; and all notes made payable at said bank, and all notes or bills discounted or purchased by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers, and with like effect; and they may allow interest on deposits and allow depositors to share in the profits of said bank in such manner and on such terms as may be prescribed by the by-laws of said bank.

Organization
and corporate
powers.

§ 2. The said corporation may acquire, hold and possess, use, occupy and enjoy all such real estate, goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to

May hold real
estate.

it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, They shall not hold any real estate purchased in satisfaction of any debt, judgment or decree for a longer period than five years; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

Officers, powers and duties of. § 3. Said bank may appoint such officers as may be necessary for the conducting of its business, who shall be under the direction and control of not less than five and not more than seven directors, each of whom shall be stockholders, and, after the first election, shall have been stockholders for at least three months previous to their election, and they shall be residents of this State, and after the first election, shall be elected annually on the first Monday in May in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resignation of a director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and pay the officers, agents and servants such sums, wages and salaries as they may think proper and reasonable.

§ 4. The stock shall be deemed personal property, and shall be transferable and assignable according to the by-laws or rules of said bank at the time; and the said corporation shall have a lien on the stock to secure any indebtedness by the stockholders "for any unpaid balance due on said stock."

Names of commissioners to open books for subscription. § 5. Green Elliott, Jno. H. Wilson, C. F. Davidson, Wm. Lock, W. R. Ray, J. G. Barret and Clifton Rodes Barret, are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock; and when

one hundred shares have been subscribed, it shall be their duty to give notice in a newspaper published in the town of Barboursville, and appoint a day for the election of a board of directors, who shall hold their office for one year, and until their successors are elected and qualified. The manner of payment of stock shall be provided for as the board of directors may deem best. But said corporation shall not begin business until the sum of ten thousand dollars shall have been paid up, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or for any part thereof.

§ 6. Said bank shall, through its board of directors, have the power to require bonds from all or any of its officers and employees. May require bond of employees.

§ 7. The Legislature reserves the right to alter, amend, or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee they may appoint. Legislature may examine into affairs.

§ 8. This act shall take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 37.

AN ACT to establish an additional voting place in district No. 5, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place be, and is hereby, established in district No. 5, in Breckinridge

county, at what is now Burns' post-office or Myers' store, in said county.

2. This act shall take effect from its passage.

Approved January 26, 1888.

CHAPTER 38.

AN ACT to amend an act, entitled "An act creating a deposit bank at Owensboro, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act creating a deposit bank at Owensboro, Kentucky, be, and is hereby, amended so as to give and to grant to the deposit bank of Owensboro, Kentucky, organized under said act, the right to continue a body-corporate and politic until the first day of June, nineteen hundred and twenty, with all the rights, privileges and powers granted in the act to which this is an amendment, and all rights and powers granted in amendments heretofore made to said act: *Provided*, Said bank shall be subject to the same rate of taxation enforced against other banks of the State, and subject to any general laws enacted respecting the incorporated banks of the State.

§ 2. This act to take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 39.

AN ACT authorizing the conveyance of certain real estate by W. B. Lindsay and John Curtis as special commissioners of Owen and Carroll counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Lindsay, of Carroll county, and John Curtis, of Owen county, be, and they are

hereby, appointed special commissioners for and on behalf of said counties of Owen and Carroll, to execute to W. T. Carlisle a deed conveying to him in fee-simple all the right, title, and interest of the said two counties in and to the real estate formerly used as the site of the late toll-house of the bridge across Eagle creek, at Sanders' station, in Carroll county, and the appurtenances thereto belonging, it being the same heretofore sold by the said counties to one W. T. Sanders, who transferred his bond to said W. T. Carlisle.

§ 2. Said commissioners are empowered to receive the purchase price remaining due on said lot, and to receipt to the purchaser therefor, and they will disburse the same to said counties as their respective interests require.

§ 3. This act to take effect from its passage.

Approved January 26, 1888.

CHAPTER 40.

AN ACT for the benefit of L. D. Sullivan, sheriff of Whitley county.

WHEREAS, L. D. Sullivan, being the duly elected, qualified and acting sheriff of Whitley county, having prior to the first Monday in January, 1888, executed bond with surety before the Whitley county court for the collection of the revenue from said county for 1888, which bond was presented to said court on the first Monday in January, 1888, and accepted and approved by said court on said day, but by oversight of the judge and clerk of said court no order was made on said day noting said acceptance and approval of said bond, but an order was made on the sixth day of January accepting and approving same; and whereas, a doubt exists as to the legality of said bond and liability of the sureties on same; now, in order to remove said doubts and remedy said mistake,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said L. D. Sullivan, sheriff of Whitley county, be, and he is hereby, given until the third Monday in February, 1888, to execute his bond as collector of the State revenue of Whitley county for the year 1888, and said bond, if so executed by him, with surety approved by the Whitley county court, on or before said third Monday in February, 1888, shall have the same effect as if executed at the time required by section 4, article 9, of chapter 92 of the General Statutes.

§ 2. This act shall take effect from its passage.

Approved January 26, 1888.

CHAPTER 41.

AN ACT authorizing the county levy court of Meade county to levy an additional ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county levy court of Meade county, a majority of all the justices of said county being present and concurring therein, is authorized and empowered to levy annually, for two years, an additional ad valorem tax, not to exceed ten cents on the one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of said county.

§ 2. The taxes herein provided for shall be collected by the sheriff of said county at the same time the State revenue is collected, and shall receive the same compensation as is now prescribed by law for the collection of the county levy, and shall pay the same to the treasurer of said county.

§ 3. The sheriff and his deputies shall be responsi-

ble upon his bond for the amount of taxes to be collected by said sheriff under this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 26, 1888.

CHAPTER 42.

AN ACT to enable and empower the surviving trustee, J. D. Wilson, of the Mt. Sterling Seminary, to collect the fund due said seminary and invest the same in real estate in the city of Mt. Sterling, Kentucky, for the use and benefit of the public graded school of said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Wilson, the only surviving trustee for the Mt. Sterling Seminary, in the city of Mt. Sterling, Kentucky, be, and he is hereby, authorized and empowered to collect all the funds due said seminary, by suit or otherwise, and to invest the same, when collected, in real estate in said city, for the use and benefit of the public graded schools of the city of Mt. Sterling, Kentucky, and when so invested, the same shall be controlled by the board of trustees of Mt. Sterling public graded school.

§ 2. This act shall take effect from its passage.

Approved January 26, 1888.

CHAPTER 44.

AN ACT to amend an act, approved February 13, 1886, entitled "An act incorporating the Christian Church Widows and Orphans' Home of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved February 15, 1886, entitled "An act incorporating the Christian Church Widows and Orphans' Home of Kentucky," be, and

the same is hereby, amended by striking from the sixth section thereof the words, "being a resident of the State of Kentucky," and the words, "and a resident of said State."

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1888.

CHAPTER 46.

AN ACT for the benefit of Tom B. Spalding, sheriff of Marion county.

WHEREAS, Thos. B. Spalding, sheriff of Marion county, executed his bonds at the proper time for the collection of the State revenue for Marion county, and as the sheriff of Marion county, and for the collection of county levy, and the same was thereupon approved by the court, but, by oversight or mistake of the clerk, the order of approval was not entered as required by the General Statutes, chapter 92, article 1, section 4; chapter 100, section 3; chapter 27, article 2, section 4, on the first Monday in January, 1888; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Thos. B. Spalding, sheriff as aforesaid, shall execute his bond before the county clerk of Marion county, and approved by the county court, as now required by law, upon the first Monday in February, 1888, and the said bonds shall be as valid and binding at law as if executed and approved on the first Monday in January, 1888.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1888.

CHAPTER 47.

AN ACT for the benefit of A. P. Wright, of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. P. Wright, of Simpson county, Kentucky, be permitted to send his children to the common school, district No. 20, instead of No. 32, in said county, and that the lines of district No. 32 be so changed as to include said Wright in district No. 20 instead of No. 32.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor January 24, 1888.]

CHAPTER 48.

AN ACT for the benefit of J. C. Herington, of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. C. Herington, of Simpson county, Kentucky, be permitted to send his children to the common school taught in common school district No. 32, instead of No. 22, in said county, and that the lines of district No. 22 be so changed as to include said Herington in district No. 32, instead of No. 22.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor January 25, 1888.]

CHAPTER 49.

AN ACT chartering the Graves County Banking and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is established a saving and deposit bank and trust company in the city of Mayfield,

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Incorporating
with capital
stock.

Powers.

Graves county, Kentucky, with a capital of one hundred and fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of "Graves County Banking and Trust Company," and shall so continue for fifty years from its organization; but the board of directors of said company are authorized and empowered to reduce the capital stock, or to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the corporation requires its reduction or discontinuance; and to effect either, the board shall have all powers necessary to reduce the capital stock, or to wind up and liquidate the affairs of said corporation on equitable principles: *Provided*, That said reduction or dissolution shall not prejudice the rights of any existing creditors of said corporation.

Rights of.

§ 2. That said corporation shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending in all courts and places whatever. Said corporation may have and use a common seal, and change the same at pleasure.

Shall be under
control of five
directors.

§ 3. Said corporation shall be under the control of five directors, who shall be stockholders, residing in the State, each of whom shall own, in his own right and name, at least twenty shares of stock, on all the calls of which payment shall have been made, and after the first annual election shall have owned his stock at least six months before his election; and they shall hold their office until their successors are elected and qualified, and after the first election shall be elected the first Monday in March of each year, or so soon thereafter as practically convenient; and in case of a vacancy, the remaining directors shall

have the power to appoint a qualified stockholder to fill it. They shall elect one of their number president, who shall preside at their meetings and perform such other duties as may be assigned him by this charter and their by-laws; they shall have power to sell any of the stock unsold; to declare dividends arising out of the business of said corporation; to appoint such officers, agents, and employes as they may deem necessary to conduct the business of said corporation, and contract with and pay them for their services; to take from the president, cashier, and other employes such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of the corporation: *Provided*, The same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed to be personal property, and shall be transferable only on the books of the corporation by the stockholder, his agent or attorney, and under such rules and regulations as the directors may from time to time establish; but the corporation shall have a prior lien on the stock as security for any debt owing on it.

§ 4. That J. W. Landrum, Gus. G. Coulter, and W. W. Robertson are hereby appointed commissioners, any two of whom may open books in the city of Mayfield, Kentucky, and receive subscription for the capital stock of said corporation; and when one-half or more of the said capital stock shall have been subscribed, it shall be their duty to give notice, verbal or written, to the stockholders, and appoint a day for the election of directors; and the directors elected on the day so appointed shall hold their office until the annual election in March, 1889. The payment of shares subscribed for shall be as follows: Twenty dollars on each share on the day of the first election of directors as herein provided, and the remainder in such amounts and at such times as the directors may

Names of commissioners.

require: *Provided*, That no one call shall be for more than twenty dollars on the share and at a shorter notice than twenty days; and said corporation shall commence business when fifteen thousand dollars shall be paid in as capital.

§ 5. Any subscriber of stock who shall fail to pay twenty dollars on each share subscribed on the day designated in the notice named in the last preceding section for the election of first board of directors, shall cease to be stockholders, and the stock subscribed by them may be subscribed for by others under the direction of the person or persons who received the original subscription; and in case any subscriber shall fail to pay any call made by the board of directors for the unpaid balance of his subscription, and remain in default thirty days, the board may, in its discretion, forfeit his stock for the benefit of the company upon the company refunding to him the value of his stock. In any election under this charter each stockholder shall be entitled to one vote for each share of stock: *Provided*, That no subscriber of stock shall be entitled to vote on any share of stock on a call of payment of which he shall be in arrear, and this shall apply to the first election of directors under this charter as well as any subsequent election; and no person shall be eligible to the office of director who has not, at the first election, paid twenty dollars on the share of stock subscribed by him at the time of said election.

§ 6. All elections under this charter shall be held at the office of the corporation in such mode as the directors may provide in the by-laws. Stockholders not present may vote by proxy, and a majority of the board of directors shall form a quorum for the transaction of business.

§ 7. Said corporation may receive deposits of gold and silver coin, bank notes and other notes that may be lawfully circulating as money, and repay same in such manner, at such times as may be agreed on with

the depositors by special or general contract; may deal in the loaning of money, may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, gold and silver coin, securities of any kind, and any evidences of debt whatever; take personal and other security for the payment of same, and dispose of such stocks and bonds as may be agreed upon by the parties as a natural person, and pass a valid title to same, and may do a general banking business; except only it shall not have power to issue notes of its own for circulation. All promissory notes and bills of exchange made payable and negotiable at its office or banking house, or any bank incorporated under any law of the Commonwealth, or organized in this Commonwealth under any law of the United States, when discounted by this corporation, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers.

§ 8. Said corporation may make advances on, and receive in pledge for, money loaned or debts due it, securities of any kind, goods, wares and merchandise, upon the agricultural, mechanical or other products, including growing crops and produce of the country, and may sell the same on the non-payment of the debt or demand according to the terms agreed upon between the parties by written contract at the time of creation of the debt; but before the sale or disposal of any of the property, pledges or securities mentioned in this charter, the party making the same or depositing the pledge shall have ten days' notice, in writing, if a resident of this State, or if not a resident, the company, before proceeding to sell or dispose of the property or pledge or security, shall cause notice to be inserted in some newspaper, published in the county, for at least twenty days; but nothing in this act shall be construed to confer power or authority on said corporation to sell or

Loans and advances.

dispose of real estate or any interest therein so given in pledge or security, otherwise than by regular judicial proceedings.

Certificates,
when issued.

§ 9. No certificate of stock shall be issued under this charter until the shares of stock subscribed for shall be paid in full. Upon payments of calls on stock, entries shall be made in a book kept for that purpose, and receipts executed to the subscriber for the amount paid, signed by the president and cashier.

May own real
estate.

§ 10. Said corporation may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but when it purchases real estate in satisfaction of any judgment, or payment of any debt due to it, it shall hold the same not longer than five years, and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as practically convenient. A conveyance duly executed by the president shall pass the title of said corporation to any real estate it may want to dispose of.

Deposits of
minors and mar-
ried women.

§ 11. Said corporation may receive deposits from minors and married women, and the receipt and acquittances of such minors and married women shall be valid.

Liability of
stockholders.

§ 12. Every stockholder shall be individually liable to the creditors of the corporation to the full amount of the stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to the said stockholder.

President or di-
rectors can not
become surety on
certain paper.

§ 13. It shall not be lawful for the president or directors to become surety or accommodation indorsers on any note or bill discounted by said company or corporation.

Lack of seal shall
not invalidate
any writing.

§ 14. No agreement, contract, obligation or deed or other writing shall be invalid for want of the sea-

herein provided for, if the same be regular and legal in other respects.

§ 15. The president, directors and other officers of said corporation, before entering on the discharge of their duties, shall take an oath before some justice of the peace, notary public, or other officer authorized by law to administer oaths, faithfully, honestly and to the best of their skill and judgment to discharge all their duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney General of this Commonwealth.

§ 16. Said corporation may be appointed and may act as guardian for infants, as executors or administrators or committee for idiots or lunatics, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations, and account of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust, and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying, and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stocks, bonds, or other obligations of any corporation or municipality, State or public, authority, and may receive and manage any sinking fund therefor, and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person, or

Oaths of officers.

May act as guardian, administrator, committee, etc.

by any corporation, or by any court of record of this State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 17. It shall be the duty of the corporation, through its president and cashier, to make a detailed statement annually (or oftener, if so required), to such court or courts as may have committed any trust or trusts to said corporation, of all investments or loans of said fund, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and the said trust fund, and all the loans and securities thereof in the possession of the said corporation, shall be primarily liable for the obligations of said corporation as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid, shall have been first duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest, at such times as said court may direct.

§ 18. The capital of said corporation shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company,

Must make annual statement.

Capital of shall be its security in its fiduciary capacities.

under oath or affirmation, as to the security aforesaid and the amount and extent of its fiducial and other liabilities, and, if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of the said corporation, who shall report to such court the manner in which its capital and funds are invested, and the security offered to those by or for whom its engagements are held; the expense of such investigations to be paid by said company.

§ 19. In the exercise by said corporation of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts, or otherwise committed to said corporation, it shall be subject to the same duties and responsibilities, and shall have the same powers and receive the same compensation as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided; the exercise of other powers and the performance of other duties by said corporation, may be, as to compensation and otherwise, matters of contract with the parties interested.

§ 20. Said corporation shall at no time incur indebtedness or liability exceeding the capital stock paid in, except deposits made with said corporation.

§ 21. The directors may increase the capital stock from time to time as the interests of the corporation may demand, not to exceed two hundred thousand dollars.

§ 22. The General Assembly at all times shall have the right to examine the affairs of the corporation by a committee appointed for that purpose, and may alter or amend this charter at pleasure.

Approved January 27, 1888.

CHAPTER 51.

AN ACT incorporating the People's Bank of Pineville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bank estab-
lished.
Capital stock.

Corporate name
and powers.

Notes, etc.,
made as foreign
bills of exchange.

§ 1. That there is hereby established a bank of deposit in the town of Pineville, Kentucky, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided for; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "People's Bank of Pineville," and shall so continue for twenty-five years from and after the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all court and places whatever; they may have a common seal, and alter and change the same at pleasure. They shall have power to receive gold and silver and bank notes and other circulation or currency or deposits, and pay out and loan the same; to buy and sell drafts, notes, bills of exchange, bonds and stocks; and all bills of exchange or notes made negotiable and payable at said bank, or any other bank or banking house, discounted or purchased by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages; and they may allow interest on deposits not exceeding six per cent. per annum, and allow depositors to share in the profits in said bank, in such manner and on such terms as may be prescribed by the by-laws of said bank.

May hold real
estate.

§ 2. The said corporation may acquire, hold and possess, use, occupy, and enjoy all such real estate,

goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, May make by-laws. The same are not contrary to the Constitution and laws of this State or the United States: *Provided*, *however*, That said bank shall not hold any real estate held as surety for, or purchased in satisfaction, in whole or part, of any debt or judgment in favor of said bank for a longer period than five years.

§ 3. Said bank may appoint such officers as may be necessary for the conducting of its business, who shall May appoint officers and agents. be under the direction and control of not less than five and not more than seven directors, each of whom shall be stockholders, and, after the first election, shall have been stockholders for at least three months Election of board of directors. previous to their election, and they shall be residents of this State; and, after the first election, shall be elected annually on the first Monday in June in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resignation of a director, the vacancy shall be filled by the board of directors. Fill vacancies. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and pay the officers, agents and servants such sums, wages and salaries as they shall think proper and reasonable.

§ 4. The stock shall be deemed personal property, Stock declared to be personal property. and shall be transferable and assignable according to the by-laws or rules of said bank at the time; and said corporation shall have a lien on the stock to secure any indebtedness by the stockholder for any unpaid balance due for said stock. John Mealor, Lewis A. Howard, Daniel Howard, Elijah Wilson, Preston Hendrickson, M. F. North, and J. F. Slusher

Commissioners
to open books.

are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock; and when one hundred shares have been subscribed, it shall be their duty to give notice, in one or more daily newspapers published in the city of Louisville, for ten days, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The manner of payment for the stock shall be set forth in the articles of subscription; but said corporation shall not begin business until the sum of ten thousand dollars shall have been paid up, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank.

When to begin
business.

May take bonds
of agents.

§ 5. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or any part thereof; but in case of forfeiture, the amount paid on said stock shall be refunded to the subscriber or his assignee. Said bank shall, through its board of directors, have the power to require bond from all or any of its officers or employees.

Right to exam-
ine affairs of
bank.

§ 6. The Legislature reserves the right to alter, annul or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee, agent or official they may appoint.

§ 7. This act shall take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 52.

AN ACT to incorporate the Springfield Baptist Church, of Springfield, in Washington county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Jarboe, T. L. Spalding, and W. E. Selecman, trustees of the Springfield Baptist Church, in Springfield, Washington county, Kentucky, and their successors in office, be, and they are hereby, created a body-politic and incorporate, by the name and style of the Springfield Baptist Church; and by that name shall have perpetual succession, and may sue and be sued, plead and implead, in any court of law or equity in this State.

§ 2. That when any vacancy in said board may occur, by death, resignation, or otherwise, or by other disqualification to act, to be judged by the church at a regular business meeting, it shall be competent for the members of said church to fill such vacancy or vacancies at any business meeting. Said church shall also have power to remove from office any one or more of said trustees, a majority of all the members present at any regular business meeting concurring therein, and may proceed to fill such vacancy or vacancies in the manner provided above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church.

§ 3. That the above named trustees, and their successors in office, shall have full power to buy, to take by devise or bequest, or gift or deed, and hold any real estate, not exceeding the amount allowed by law to churches, and any personal property, and to hold, convey, or otherwise dispose of the same, with all the powers and privileges incident to religious corporations.

Commissioners
to open books.

are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock; and when one hundred shares have been subscribed, it shall be their duty to give notice, in one or more daily newspapers published in the city of Louisville, for ten days, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The manner of payment for the stock shall

When to begin
business.

be set forth in the articles of subscription; but said corporation shall not begin business until the sum of ten thousand dollars shall have been paid up, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank.

May take bonds
of agents.

§ 5. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or any part thereof; but in case of forfeiture, the amount paid on said stock shall be refunded to the subscriber or his assignee. Said bank shall, through its board of directors, have the power to require bond from all or any of its officers or employes.

Right to exam-
ine affairs of
bank.

§ 6. The Legislature reserves the right to alter, annul or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee, agent or official they may appoint.

§ 7. This act shall take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 52.

AN ACT to incorporate the Springfield Baptist Church, of Springfield, in Washington county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Jarboe, T. L. Spalding, and W. E. Selecman, trustees of the Springfield Baptist Church, in Springfield, Washington county, Kentucky, and their successors in office, be, and they are hereby, created a body-politic and incorporate, by the name and style of the Springfield Baptist Church; and by that name shall have perpetual succession, and may sue and be sued, plead and implead, in any court of law or equity in this State.

§ 2. That when any vacancy in said board may occur, by death, resignation, or otherwise, or by other disqualification to act, to be judged by the church at a regular business meeting, it shall be competent for the members of said church to fill such vacancy or vacancies at any business meeting. Said church shall also have power to remove from office any one or more of said trustees, a majority of all the members present at any regular business meeting concurring therein, and may proceed to fill such vacancy or vacancies in the manner provided above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church.

§ 3. That the above named trustees, and their successors in office, shall have full power to buy, to take by devise or bequest, or gift or deed, and hold any real estate, not exceeding the amount allowed by law to churches, and any personal property, and to hold, convey, or otherwise dispose of the same, with all the powers and privileges incident to religious corporations.

§ 4. That said trustees and their successors shall, and they are hereby vested with full power to contract and be contracted with, to borrow money for the purpose of erecting church building or other improvements for church purposes, or to pay off and discharge indebtedness of said church for building or repairing church or church property, and to mortgage the real estate and church property and improvements to secure debts or borrowed money; to sell and convey the title which they now hold, or may hereafter acquire or hold in trust for said church, in any lot of ground, together with the improvements thereon, whenever and to whom the said church, at a regular business meeting, shall direct, or make any other disposition of the same as said church may order or direct, notice having been given at a regular business meeting of such sale or other disposition and not otherwise, and to do and perform all acts common to limited corporations of like order, not to conflict with the laws of this State.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1888.

CHAPTER 53.

AN ACT to amend the charter of the town of Lenoxburg, in Bracken and Pendleton counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Lenoxburg be, and is hereby, so amended as to exempt all persons living and residing in the corporate limits of said town from working or paying road tax on public roads, highways, or any company's turnpike road, beyond the corporate limits of said town.

§ 2. This act to take effect from and after its passage.

Approved January 26, 1888.

CHAPTER 54.

AN ACT for the benefit of the owners of Tennessee Island.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all boats, vessels, or other water crafts which shall land, lay up at, or in any manner make fast to the Tennessee Island, situated at or near the confluence of the Tennessee and Ohio rivers, in front of Paducah, Kentucky, or the timber or fixtures thereon, except when the landing is made to discharge freight or passengers for said island, or during stress of weather, shall pay to the owners of said island the following fees for each day such boat, vessel, or other water craft shall remain tied up or made fast to said island, or the timber or fixtures thereon: For each steamboat, not exceeding one dollar for each day; for each barge, flat, or keel-boat, not exceeding fifty cents for each day. Said fees shall be charged against, and shall be a lien upon such boat, vessel, or other water craft, and may be collected from the master, owner, or person in charge thereof.

§ 2. This act shall take effect and be in force from its passage.

Approved January 26, 1888.

CHAPTER 55.

AN ACT to legalize the public advertising of the city of Louisville since the month of May, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. All ordinances, notices and advertisements printed and published in the Louisville Courier-Journal, and in the Louisville Anzeiger, since the 27th day of May, A. D. 1886, and required by the

charter or any ordinance of the city of Louisville to be printed and published before being enforced or becoming effective, shall have the same legal effect as if the said Louisville Courier-Journal and Louisville Anzeiger had been, in the month of May, 1886, elected for one year thereafter, and then, again, in the month of May, 1887, elected for one year thereafter by the general council of said city in joint session, on *viva voce* vote, to print and publish such ordinances, notices and advertisements.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1888.

CHAPTER 57.

AN ACT to amend an act, entitled "An act to incorporate the Uniontown and Morganfield Turnpike and Gravel Road Company," approved April 2, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Uniontown and Morganfield Turnpike and Gravel Road Company," approved April 2, 1880, be, and the same is so amended, as to authorize and empower the board of directors of the Uniontown and Morganfield Turnpike and Gravel Road Company to construct and operate said road from Morganfield to Boxville, or to any point between said towns.

§ 2. That said company and directors, for the purpose of constructing said turnpike or gravel road, may occupy and use all or any part of the public road between said towns as they may deem expedient, on such terms as may be fixed by the county court of Union county.

§ 3. That said company may construct said road from Morganfield to Boxville before building from Uniontown to Morganfield, if they so desire.

§ 4. That said company is authorized to receive and use any subscription or other aid to its capital stock, that the county court of Union county, under the law, may be empowered to make.

§ 5. That all acts and parts of acts inconsistent herewith are hereby repealed.

Approved January 30, 1888.

CHAPTER 58.

AN ACT to amend an act to authorize the county court of Pendleton county to borrow money to aid in building turnpike roads.

WHEREAS, The county court of Pendleton county has heretofore, under authority granted to it by the Kentucky Legislature by an act approved April 15, 1880, issued its bonds for turnpike purposes in the sum of eighteen thousand five hundred dollars, bearing seven per cent. interest, said interest payable semi-annually, and the principal due and payable as follows, to wit: sixteen thousand dollars due October 15, 1888; two thousand dollars due January 15, 1889; and five hundred dollars due February 15, 1889:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said act of April 15, 1880, be, and the same is hereby, so amended that the Pendleton county court, when the county judge and a majority of the justices of the peace in commission are present, may issue the bonds of said county in an amount sufficient to refund or pay off the bonds and interest sold under the act to which this is an amendment, and to pay for further construction of turnpike roads in said county. The sum of money to be raised under this act shall not exceed fifty thousand dollars. Said bonds shall be payable at the Bank of America in New York City or the Falmouth Deposit Bank, at Falmouth, Kentucky, not less than ten nor more than

Act of 1880
amended.

Co. court may
issue bonds.

Amount to be is-
sued.

Time of payment
and interest.

twenty years from the date of their issue, and shall not bear more than six per cent. per annum interest.

§ 2. The bonds issued under this act shall be in denominations not less than one hundred nor more than one thousand dollars, and when negotiated shall

Denomination of bonds.

How bonds are to be signed.

be signed by the county judge and countersigned by the county clerk of said county in their official capacity, and when so signed and delivered to the purchaser shall be binding upon said county. The interest on said bonds shall be paid semi-annually at either of the aforesaid banks, and shall be evidenced by coupons attached to said bonds, each coupon to be signed by said county clerk, and representing one-half year's interest on the bond to which it is attached. Presentment of such coupons to either of said banks, at or after the maturity thereof, shall authorize payment of same by the bank to which they are so presented.

Levy tax.

Tax collected.

§ 3. Said court, composed as above, is hereby authorized to annually levy an ad valorem tax on all real and personal property in said county subject to taxation, not exceeding forty cents on each one hundred dollars' worth in any one year, which tax, when so levied, shall be collected by the sheriff of said county as any other taxes for which he shall be liable on his revenue or official bonds, and when collected, shall be used in paying the bonds and interest issued under this act.

§ 4. It shall be the duty of said clerk, in a book properly arranged for that purpose, to keep a record showing the date of the issue of said bonds, their respective numbers, when payable, the date of payment, and the cancellation of same. They shall be dated and numbered in serial numbers by said clerk at the time they are signed by him and said county judge.

May appoint agent to sell bonds.

§ 5. Said county court shall appoint a suitable person to negotiate the sale of said bonds, the proceeds of which, when sold, shall be paid direct by the pur-

chaser to the Pendleton receiver (treasurer), who shall be responsible on his bond for same, and shall disburse same for the purposes herein stated under the direction of said county court.

§ 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved January 30, 1888.

CHAPTER 59.

AN ACT to amend an act approved March 7, 1876, entitled "An act to amend the act approved 7th December, 1850, entitled 'An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The stockholders of the Kentucky Agricultural and Mechanical Association, at Lexington, Kentucky, shall, after the next February meeting, meet in October of each year, instead of February, to receive reports of the business of the year preceding, elect directors, and transact any other business they are competent to transact.

§ 2. The said stockholders shall, at their meeting in February, 1888, elect a board of twelve directors (instead of ten directors, a president and vice-president, as now provided by the act to which this is an amendment). Six of the said directors shall hold office until the stockholders' meeting in October, 1888, and six shall hold until the stockholders' meeting in October, 1889, and the said twelve directors shall immediately, after they are elected, determine by lot among themselves the six who shall go out at said stockholders' meeting in October, 1888, and the six who shall hold over until the meeting in October, 1889.

§ 3. At said stockholders' meeting in October, 1888,

and at a meeting every October thereafter, the said stockholders shall elect, in place of the six directors who then go out, six others to serve until the October meeting two years thereafter.

§ 4. Within one week after the directors are elected in February, 1888, they shall choose from their own number a president and a vice-president, who shall serve until their successors are elected the following October.

§ 5. Within one week after the election of directors in October, 1888, and within one week after each succeeding election of directors in October of each year thereafter, the board of directors shall choose from their number a president and vice-president, to serve for one year, until their successors are chosen as aforesaid.

§ 6. The president and vice-president, elected as aforesaid, shall be subject to the same restrictions, and have the same powers heretofore imposed on said officers.

§ 7. It shall be the duty of the president, and, in his absence, of the vice-president, in addition to the duties already prescribed for them, to preside at all meetings of the stockholders; and if both are absent, then the stockholders shall designate some other one of their number to perform the duty.

§ 8. All of the officers mentioned herein shall be eligible for re-election.

§ 9. This act shall repeal only such parts of the acts to which it is amendatory as are in conflict with it.

§ 10. This act shall, by the present officers of the association, be submitted to the stockholders of said association at their meeting in February, 1888, before any other business is transacted, for their acceptance or rejection. If a majority of the votes present be cast for rejection, it shall have no further force or effect; if a majority of the votes present be cast in favor of its acceptance, the fact shall be immediately

recorded by the secretary of the association, and this act shall be in full force and effect from that instant, and the stockholders shall proceed to organize under it.

§ 11. The present board of directors of said association shall take such steps as they may deem sufficient to give the stockholders information of the contents of this act, and notice that it will be submitted for their acceptance or rejection at the stockholders' meeting in February, 1888.

Approved January 30, 1888.

CHAPTER 60.

AN ACT to create a taxing district in Boyle county, and to authorize it to subscribe to the capital stock of the Louisville Southern Railroad Company.

WHEREAS, A large majority of the tax-payers and Preamble. property-owners resident in that portion of precinct three (3) and four (4), in Boyle county, Kentucky, outside the limits of the town of Danville, have presented to the General Assembly of the Commonwealth a petition, requesting that they be allowed to vote a tax upon the taxable property in said district, to an amount not to exceed the sum of twenty-five thousand (\$25,000) dollars, for the purpose of securing the building of the Louisville Southern Railroad from Louisville to the town of Danville; and whereas, the said railroad is now in process of construction, and it is desired that the said vote be taken at as early a day as is practicable; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the portion of precincts three (3) and four (4), in Boyle county, Kentucky, outside the limits of the town of Danville, be, and the same is hereby, created a taxing district, with the powers herein set Establishing taxing district and for what purpose.

forth; and it shall be the duty of the judge of the county court of Boyle county, upon the request of three (3) tax-payers, resident in said district, to order an election to be held, at which there shall be submitted to the qualified voters within said district the question of subscribing the sum of twenty-five thousand (\$25,000) dollars to the capital stock of the Louisville Southern Railroad. At which election those in favor of the same shall be recorded as voting "For the railroad tax," and those opposed thereto as "Against the railroad tax." The said election shall be ordered to be held on a day to be fixed in the order, not less than ten (10) nor more than thirty (30) days therefrom, and public notice thereof shall be given by at least one publication in the newspapers published in the town of Danville, at least one week before the day of election. Officers to hold said election shall be appointed as in other county elections, and the votes shall be received at the court-house in the town of Danville. The returns of the said election shall be made to the said judge of the county court in the manner and time as required in elections of county officers, and the same shall be opened and counted as in elections for county officers; and if it shall appear from the returns of said election that a majority of the votes cast have been cast in favor of the railroad tax, then it shall be the duty of the judge of the county court aforesaid to enter an order subscribing for and in behalf of the said district to the capital stock of the said Louisville Southern Railroad Company, the amount of twenty-five thousand (\$25,000) dollars. And for the purpose of paying the same, the said judge of the county court shall thereupon cause to be prepared the negotiable bonds of the said district, in amounts of five hundred (\$500) dollars each, numbered from one to fifty inclusive, payable ten years after date, but reserving the option of paying the same at the end of any year thereafter, in amounts not exceeding five thousand dollars in any

one year (paying the same in the order of their numbers). The said bonds shall be executed in behalf of the said district, by the said judge of the county court, attested by the clerk of the said court. The said bonds shall bear interest at the rate of five per centum per annum, payable semi-annually; for which coupons shall be attached, signed by the clerk of said county court, and both principal and interest be made payable at the Citizens' National Bank in Danville, Kentucky. The judge of the county court aforesaid, and the four magistrates of the said precincts three and four, in Boyle county, are hereby authorized to act in behalf of said district in determining the amount of said bonds to be paid in any year; and it shall be the duty of the judge of the county court of said county to levy taxes upon the property within the said district, subject to taxation for State purposes, sufficient to pay the principal and interest of the said bonds as the same shall be due and payable, and as the same may be called for payment as herein provided. Upon the execution of the said bonds it shall be the duty of the said judge and said magistrates of precincts three and four to place the said bonds in the hands of some trustee, who shall be agreed on with the president of the Louisville Southern Railroad Company, to be held by such trustee in trust to deliver the same to the said company or its assigns upon the completion of the said road to Danville, Kentucky, and execution of the agreement by said railroad company, as hereinafter provided; and said bonds shall not be delivered by the said trustee until a train of cars shall have passed over the said railroad from Louisville to Danville, as hereinafter provided. Upon the delivery of the said bonds by the said trustee, as above provided, the said railroad company shall deliver to W. L. Caldwell, W. J. Lyle and C. P. Cecil, a certificate or certificates for capital stock of the said Louisville Southern Railroad Company to the amount of twenty-

five thousand dollars, which shall be held by them as trustees, and be delivered by them to the tax-payers of the said district in proportion to the amount of taxes paid by them respectively in this matter, or to the holders of the tax receipts for taxes paid on account of the principal and interest of such bonds: *Provided*, They shall issue such stock only in sums of one hundred dollars, and provided, that such stock shall not be distributed until all of the said bonds and coupons shall have been paid; and in the meantime, the said trustees shall hold and vote the said stock in behalf of said district; and in the event that any of the said trustees or their successors shall refuse or be incapable to act, or resign, or die, it shall be the duty of the said judge of the said county court and the magistrates of said precincts to name a successor, with all the rights, powers and duties of his predecessor.

§ 2. It is hereby provided that the said bonds shall not be delivered by said trustee until the completion of the said Louisville Southern Railroad, so that a train of cars shall have passed over said railroad from Louisville to Danville, no part of which shall be a portion of the Cincinnati Southern Railroad for more than one-half mile before reaching the present station of the said Cincinnati Southern Railroad at Danville, and the said Louisville Southern Railroad shall file, with the county judge aforesaid, an agreement that the town of Danville shall be and remain an eastern terminal point of said railroad connecting at Danville with the Cincinnati Southern Railroad, until said railroad company shall extend its lines beyond Danville and across the Cincinnati Southern at and within one-fourth of a mile from the corporate limits of the town of Danville; but nothing therein shall be construed to prevent the said Louisville Southern Railroad Company from extending its lines across the Cincinnati Southern Railroad at any other point than Danville; but in case of the last provided-for exten-

Bonds, to whom
delivered.

sion, that Danville shall be and remain a terminal point of the Louisville Southern Railroad, with at least one thorough passenger train daily to and from Louisville, over said line of railroad, without change of cars for passengers between Danville and Louisville, and that in the interchange of freight traffic between the Louisville Southern Railway and the Cincinnati Southern Railway, the Louisville Southern shall make no unjust discrimination against the town of Danville, and give no unjust preference in said interchange of traffic to any other town over Danville, and that it will have at least two passenger trains daily, one each way, between Louisville and Danville, as aforesaid; but nothing in this contract shall be construed to prevent the interchange at any other point of freight not embraced in the above description.

§ 3. If the said railroad company shall not build and operate the said line of railroad between Louisville and Danville within two years from the vote of said subscription, and within twelve months after it shall be built and operated between Louisville and Harrodsburg, then the said subscription shall be void, as well as any agreement that heretofore may have been made between the tax-payers of the said district and the said railroad.

Railroad must be built in two years.

§ 4. The said Louisville Southern Railroad shall further provide in the said agreement, that if it shall violate its said agreement, and after notice thereof shall continue to substantially violate any of the provisions thereof, it will refund to the said district the sum of money it shall have received on account of the said subscription.

Money to be refunded if railroad violates any part of agreement.

§ 5. This act shall take effect from and after its passage.

Approved February 1, 1888.

CHAPTER 61.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Trotting Horse Breeders' Association," approved February 17, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Kentucky Trotting Horse Breeders' Association shall have, and may exercise, all the rights and privileges that have, or may be, granted to any fair, trotting, or running association in this Commonwealth, whose object it is to improve live stock and other farm productions, whether it or some other corporation or persons own the ground and buildings where they may hold their meetings.

§ 2. The capital stock of said association shall consist of fifty shares, at a par value of fifty dollars per share; but the number and value of said shares may be increased or decreased by a vote of the stockholders whenever they believe the interests of said corporation will be promoted thereby: *Provided*, The capital stock of said association shall not exceed, at its par value, the sum of one hundred thousand dollars.

§ 3. This act shall take effect and be in force from its passage.

Approved February 1, 1888.

CHAPTER 62.

AN ACT to amend the charter of Morgan and Williamstown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Morgan and Williamstown Turnpike Road Company be, and is hereby, amended as to allow said company to extend a branch

road from the junction of the Falmouth, Callensville and Williamstown road, at or near John Makesom's, in Pendleton county, to or near Middle creek, with the road leading to Falmouth.

§ 2. That said road is to be controlled by the present board of directors and their successors in office, and have all the powers and privileges of said board of directors, and to be governed by the same rules and regulations granted in the original charter of the Morgan and Williamstown Turnpike Road Company.

§ 3. This act to take effect from and after its passage.

Approved February 1, 1888.

CHAPTER 63.

AN ACT to authorize the collector of the Russellville district turnpike tax to appoint a deputy.

' Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the collector of the Russellville district turnpike tax be, and he is hereby, authorized to appoint one or more deputies, and to revoke the appointments at pleasure. Before any deputy shall enter upon the discharge of his duties, he shall take, in substance, the oath required to be taken by sheriffs, and shall be invested with all the powers conferred upon said collector for the collection of said tax; said collector to be responsible upon his official bond for any and all of the acts of his said deputy.

§ 2. This act shall take effect from its passage.

Approved February 1, 1888.

CHAPTER 64.

AN ACT to amend the title of an act, entitled "An act to amend an act to incorporate the Murphysville Turnpike Road Company, of Marion county," approved May 15th, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of an act, entitled "An act to amend an act to incorporate the Murphysville Turnpike Road Company, of Marion county," be amended by striking out the word "Marion," and inserting in lieu thereof the word "Mason."

§ 2. This act shall take effect from and after its passage.

Approved February 1, 1888.

CHAPTER 65.

AN ACT for the benefit of the town of Fairview, Todd county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any turnpike road company, or any other company or individual, to erect or keep a toll-gate, or other place where fees are charged and collected, within one mile of the corporate limits of said town.

§ 2. Any company or individual violating the provisions of this act shall be liable to said town or any individual thereof, for the damages sustained by said town or individual, to be recovered by suit in any court having jurisdiction thereof.

§ 3. This act shall be in force from its passage.

Approved February 1, 1888.

CHAPTER 66.

AN ACT to give the board of supervisors of Harrison county further time to complete their labor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of supervisors of Harrison county be given the further time of three days to complete their present labors as said supervisors of Harrison county, provided the business so requires.

§ 2. This act shall take effect from and after its passage.

Approved February 1, 1888.

CHAPTER 67.

AN ACT authorizing the board of supervisors of Mercer county to extend its sessions.

WHEREAS, The board of supervisors of Mercer county, now in session, find the time fixed by law inadequate for the transaction of the duties imposed on them by chapter 92 of the General Statutes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of supervisors of Mercer county may have such time as it requires for the transaction of the business before it, not exceeding fourteen days in all, and that it may lawfully extend its session to said limit.

§ 2. This act shall take effect from its passage.

Approved February 1, 1888.

CHAPTER 68.

AN ACT for the benefit of common school district No. 23, in Breckinridge county.

WHEREAS, the trustees of common school district No. 23, Breckinridge county, employed a competent and acceptable teacher, Edinburgh Smith, whose certificate had expired, to teach the common school for the school year ending June 30, 1887; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and is hereby, authorized to draw his draft on the Auditor of Public Accounts in favor of James E. Stone, county superintendent of Breckinridge county, for the sum of one hundred and two dollars and three cents (\$102.03) in favor of said district for said school year, payable out of the unexpended surplus due said county for the school year ending June 30, 1887.

§ 2. This act shall take effect from its passage.

Approved February 4, 1888.

CHAPTER 70.

AN ACT to create the office of treasury, in Ballard county, and to regulate the fiscal affairs of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the court of claims held for Ballard county in October, 1888, and every two years thereafter, said court shall elect a treasurer for said county, who shall hold his office until his successor has been elected and qualified.

Court of claims
to elect treasurer.

§ 2. That before the person elected shall enter upon the duties of his office he shall execute a bond to Ballard county, in the county court, with approved

Give bond.

sureties, by which he shall covenant for the prompt and lawful disbursement of the revenues of said county, as ordered by the county court, and that he shall in all other respects faithfully perform the duties of said office; and that, upon his failure so to do, he and his sureties shall be liable to the county, or to any individual, for any injury sustained by reason of a breach of any said covenants.

§ 3. He shall also take an oath in said court that he Take oath. will faithfully perform the duties of said office.

§ 4. It shall be the duty of the treasurer, within Duties. ten days after the assessor's book has been certified to the sheriff as now provided by law, to ascertain from said book the assessed value of all taxable property in said county and the tax due thereon, and also the number of polls in said county and the tax due thereon, and shall immediately open an account with the sheriff or collector, in a book provided for that purpose, whereby said sheriff or collector shall be charged with the ad valorem and poll tax due said county.

§ 5. When the Auditor of the State has certified to the county court clerk the assessed value of any railroad, or any other property assessed with the Auditor, and subject to taxation in Ballard county, it shall be the duty of said clerk to report the same to the Duties of county clerk. treasurer, who shall ascertain the amount of tax due the county upon such assessments, and at once charge the same to the sheriff or collector in the account provided for in the preceding section, making said charge show upon what account it is made.

§ 6. That when the sheriff has assessed property Duty of assessor. omitted by the assessor, the county clerk shall report same to the treasurer, and the tax due thereon shall be charged in said account.

§ 7. That the sheriff or collector, upon the receipt Duties of sheriff or collector. of his tax-book, as now provided by law, shall forthwith proceed to collect the revenue due the county, and pay same to the treasurer, who shall receipt

therefor, and at once give the sheriff credit upon the account provided for in the preceding sections, each credit showing the date and amount received.

Duty of clerk.

§ 8. That whenever the county court shall make an order exonerating any one from the payment of any tax, it shall be the duty of the clerk of said court to copy said order to the treasurer, who shall immediately give the sheriff or collector credit upon his account by the tax so exonerated, making the entry of said credit show the order-book and page thereof containing said order.

Sheriff to furnish
list of land sold.

§ 9. That when the sheriff or collector shall make a sale of land for tax due the county, as now provided by law, he shall at once furnish the treasurer with a list of such land as was bid off by him for the State or county, said list to show in whose name said land was assessed, the amount of tax for which it was sold, and the cost of sale; and it shall be the duty of said treasurer to compare said list with the assessor's book, and if said sheriff is charged thereon by said tax, then the treasurer shall at once credit the sheriff or collector on his account by the amount of tax and cost of sale. But if said list is found to be wrong, either as to the tax charged therein or cost, the error shall be corrected and the proper credit given.

To give sheriff
or collector
notice.

§ 10. That if the treasurer finds any error in said list, he shall, before entering the credit, give the sheriff written notice thereof, and unless he agrees at once to have the correction made, the matter shall be submitted to the county court, who shall, at its next term, decide the question, and the credit shall be given accordingly.

To receive reve-
nue.

§ 11. That it shall be the duty of the treasurer to receive from the sheriff or collector the revenue of said county, or any part thereof, at any time it may be tendered; and fifty per cent. of said revenue shall be due and payable to the treasurer on the first Monday of August in each year, and an additional thirty

per cent. shall be due on the first Monday of October in each year, and if not paid as here directed, it shall be the duty of the treasurer at once to proceed, by suit in the county court, against the sheriff or collector upon his county levy bond for the recovery of the amount due. Such proceedings to be in the name of "Ballard county."

When revenue is due to treasurer.

May sue sheriff or collector.

§ 12. That at the January term of the county court the sheriff shall present his delinquent list as now required by law, and after the court has passed thereon, said list shall be furnished to the treasurer, who shall immediately give the sheriff a credit upon his account by the amount allowed, making the entry show the assessed value of delinquent property and tax due thereon, and the number of delinquent polls and tax due thereon. The sheriff shall then be credited by his commission and a balance struck, and if the sheriff is indebted to the county, the same shall at once be paid, and if not paid within twenty days thereafter, the treasurer shall charge him with thirty per cent. upon the balance shown to be due, and forthwith institute suit in the county court against the sheriff and his sureties for the recovery of said balance, including the thirty per cent.

When sheriff or collector is to present delinquent list.

Penalty.

§ 13. The treasurer shall also open an account between himself and Ballard county, by which he shall charge himself with all money which shall come to his hands by virtue of his office, each entry showing from whom and when each item was received.

Account to be opened with county.

§ 14. That when any land which has been sold for tax shall be redeemed, the clerk shall report the same to the treasurer and pay to him the amount due the county, taking his receipt for same, and the treasurer shall at once charge himself with the money so received.

Report of land sales.

§ 15. That beginning with the year 1889, and each year thereafter, it shall be the duty of the sheriff to report to the treasurer the first Monday in March,

Sheriff to report.

May, August, October, and January, the amount of money, if any, which he has collected upon the delinquent list allowed at the previous January term, and at each report to pay to the treasurer the amount so collected, and the treasurer shall at the time charge himself with said money. But he shall at the same time pay to the sheriff twenty-five per cent. of the money so reported and paid to him, and by which he shall at the time credit himself upon his account with the county. At the January report the sheriff shall deliver to the treasurer the receipt of each delinquent who has not paid his tax, and the treasurer shall ascertain the aggregate amount of said receipts and the aggregate amount reported as having been collected upon said list; and if the money reported and paid, together with the receipts, do not equal the amount with which the sheriff was credited on account of said delinquent list in his previous settlement, then the sheriff and his sureties shall be liable for the difference, and the treasurer shall proceed at once, by action in the county court, for the recovery of same.

Powers and duties of county court.

§ 16. That, at the county court in each February, the treasurer shall sell, for cash, at public outcry, after having advertised same before the court-house door, the delinquent receipts turned over to him by the sheriff, and shall charge himself by the amount received for same.

How delinquent taxes may be collected.

§ 17. The purchaser of said receipts may place them in the hands of any constable of the county who will agree to take them, and such constable shall have the same power to collect said receipts by levy and sale that the sheriff had.

Court of claims.

§ 18. The court of claims, at its October term in 1888, shall ascertain and state upon its order-book the liabilities of the county up to and including the allowances made at that term, and shall make an order directing the treasurer to pay same. The levy then made shall be sufficient to pay said liabilities and to meet the estimated current expenses of the

ensuing fiscal year: *Provided, however,* That the poll tax shall not exceed three dollars per capita, nor the ad valorem tax forty cents on each one hundred dollars' worth of taxable property: *And provided further,* That nothing in this act shall be construed to repeal the law now authorizing an ad valorem tax in said county; but the rate here provided shall not be enforced after 1888.

§ 19. The court of claims shall meet on the first ^{When the court of} Monday of July, 1889, and on the first Monday of ^{claims shall meet.} every July thereafter, for the purpose of receiving and allowing for work done under orders made at any previous term, and for making an allowance to all officers for services up to that date. An order shall then be made directing the treasurer to pay said allowances.

§ 20. It shall be the duty of the treasurer, immediately upon the adjournment of each court of claims, to call upon the clerk of said court for a list of the claims allowed, which shall be furnished, and the treasurer shall at once enter each claim separately upon a book kept for that purpose. Such entry must show the person to whom the allowance was made, the date of allowance, and the order book and page thereof ^{Clerk to furnish list of claims allowed.} containing the order of allowance.

§ 21. If the county judge sitting as a court shall make any allowance, it shall be the duty of the clerk to copy said order to the treasurer, who shall enter it upon his book as other allowances. ^{Duties of co. judge.}

§ 22. That the treasurer shall pay no claim nor any part thereof until ordered to do so by the county court, nor until he has entered same upon his book as above provided. When he does pay, he shall take receipt therefor, and shall make an entry upon the creditor's account showing said payment, and shall also credit himself on his account with the county by said payment. Each of these entries shall show to whom and when paid. ^{No claim to be paid until order is made by co. court.}

§ 23. That fifty per cent. of the claims allowed at

When claims are to be paid. the October and July terms shall be due and payable to the claim-holder on the first Monday in August thereafter, and thirty per cent. additional shall be due in sixty days thereafter, and the remaining twenty per cent. shall be due at the succeeding January term of said court. If the treasurer fails to pay, as herein directed, on or before the dates named, if payment has been demanded at his office, then he and his sureties upon the bond provided for in this act shall be liable to the claim-holder for the amount due and fifteen per centum thereon, to be recovered by suit in the county court. But he may defend any such action upon the ground that the sheriff has not paid over the county revenue to him: *Provided*, He has instituted proceeding against the sheriff as herein provided, and is prosecuting the same in good faith.

Penalty for non-payment.

Court may order part of claim paid.

§ 24. If, at the time any claim is allowed, there is in the hands of the treasurer a sum sufficient to pay same, or any part thereof, after paying all claims previously allowed, then the court may order such claim, or any part thereof, paid immediately; and it shall be the duty of the treasurer to pay accordingly, and for a failure to do so upon demand, he and his sureties may be proceeded against at once.

Reports to be made.

§ 25. At the January term, 1890, and annually thereafter, the treasurer shall submit to the county court his report, showing, first, the amount of revenue charged to the sheriff, and how same has been accounted for; second, the amount which has come to his hands from all sources, and what disposition has been made of same; and third, the amount of claims outstanding and unpaid, and to whom due. The county attorney for the county, or any individual, may file written exceptions to this report, specifying any alleged error. If no exceptions are filed, the report shall be ordered to record. But if exceptions are filed, they shall stand for trial at that term, but may be continued for cause, but not longer than ten days at a time; and if continued on trial by the

Duty of co. attorney.

court, the county judge alone presiding. If the report is corrected, it shall be so recorded.

§ 26. The county court may, at any time, upon ten days' notice, require the treasurer to give additional security, and upon his failure so to do, to remove him from office. Additional surety may be required.

§ 27. If a vacancy occurs in the office of treasury by death, resignation or removal, the county court shall at once appoint some person to fill the unexpired term. Vacancy.

§ 28. That the treasurer shall keep his office at the county seat, and the records thereof shall be subject to inspection by any one at all reasonable times. Office,

§ 29. That if any officer mentioned in this act shall, through negligence, or willfully fail to perform any duty hereby imposed upon him, he may be proceeded against by warrant, before the county judge or any justice of the peace, or by indictment in the circuit court, and, upon conviction, may be fined in any sum not less than twenty-five nor more than two hundred dollars. Penalty for failure to perform duties.

§ 30. That at the expiration of his term, or upon his removal, the treasurer shall deliver to his successor the records of his office, and pay to him any money in his hands belonging to the county, and, upon his failure to do so, shall be proceeded against in the county court upon his bond. To turn over money and property.

§ 31. That the Ballard county court is hereby given original jurisdiction of all actions contemplated by this act; but such actions shall be governed by the Civil Code of Practice as to mode of procedure, and in all actions when the amount in controversy, exclusive of cost, exceeds twenty-five dollars, an appeal shall lie to the common pleas court of said county. Said appeals shall be prosecuted in the manner and within the time that appeals are now taken from a justice's court. Jurisdiction of co. court.

§ 32. That the court of claims shall make the treasurer's salary. Salary.

urer a reasonable allowance for his services, payable as other claims against the county.

§ 33. That all laws and parts of laws inconsistent with this act are hereby repealed, in so far as they apply to the county of Ballard.

§ 34. This act shall take effect from and after its passage.

Approved February 6, 1888.

CHAPTER 71.

AN ACT, entitled "An act to incorporate the R. O. Cowling Medical Society, of Boyle county, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Drs. A. W. Johnstone, president, George Hann, vice-president, H. J. Cowan, secretary and treasurer, J. C. Bogle, W. B. McClure, and George Cowan, and their associates and successors, be, and they are hereby, created a body-politic and corporate, in Boyle county, Kentucky, under the name and style of the R. O. Cowling Medical Society; and as such shall have perpetual succession, sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and alter the same at pleasure.

§ 2. That the object of said society shall be the elevation of the standard of moral and professional attainments among its members, and to that end shall have power to adopt a constitution and by-laws, not inconsistent with the general law of the State; and may receive gifts and donations of books, money, and property not exceeding five thousand dollars in value, and perform such other acts, not inconsistent with the laws of the State, as may be necessary to carry out its ends.

§ 3. That the constitution and by-laws of said society shall be enforceable against all the members of said society who subscribe to the same.

§ 4. That the number, name, and term of officers may be regulated by the constitution and by-laws of the society, which shall regulate its government and general arrangement; and said constitution and by-laws may be changed by said society in a mode to be provided in said constitution and by-laws.

§ 5. This act shall take effect from its passage.

Approved February 6, 1888.

CHAPTER 72.

AN ACT to authorize the Bath county court of claims to appropriate to the payment of county indebtedness any surplus money in the hands of the railroad commissioner for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Bath county court of claims be, and it is hereby, authorized to appropriate to the payment of any indebtedness of said county any surplus money in the hands of the railroad commissioner for said county, collected for the purpose of paying the bonds issued by said county to the Elizabethtown, Lexington and Big Sandy Railroad Company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 6, 1888.

CHAPTER 74.

AN ACT to establish the Bank of Cadiz, at Cadiz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of Bank established deposit in the town of Cadiz, in Trigg county, Ken-

Capital stock. tucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Cadiz, and shall continue for thirty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; may have a common seal, and change or renew the same at pleasure.

§ 2. Said bank shall be under the control and management of seven directors, each of whom shall be a stockholder. They shall be residents of this State, and after the first election shall be elected annually on the first Saturday in January of each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of the business of the bank, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such wages and salaries, and take from them such bonds to secure the faithful performance of their duties as they shall think proper and reasonable.

Board of directors. Elect president, etc. Appoint officers, take bonds, etc. Stock declared to be personal property.

The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall from time to time establish; but the bank shall have a lien on the stock to secure any indebtedness to it by the stockholders for any unpaid balance on the stock subscribed for.

§ 3. That John W. Crenshaw, Moses S. Thompson, Commissioners appointed. Felix G. Terry, John G. Jefferson, and Robert A. Burnett be, and they are hereby, appointed commissioners, any three of whom may open books and receive subscriptions for the capital stock of said bank; and when the five hundred shares have been subscribed, it shall be their duty to give notice in the newspaper published in said town of Cadiz, and fix a day for the election of a board of directors, who shall hold their office until the ensuing annual election; and said election shall be held on the day and at the place designated by the said commissioners, and by them, or any three of them; and at the said election each stockholder shall have one vote for each share of stock he or she may own in said bank, and the vote Publication required. Election to be held. may be cast by the stockholder in person or by the person named in a proxy, duly signed by such stockholder; and if, from any cause, said election should not be held on the day fixed, it may be held on any other day fixed by them, as hereinbefore prescribed; and the certificate of the said commissioners shall be proof of the election of the said directors. Vote, how cast.

§ 4. That after the said first election, the annual election of the board of directors hereinbefore provided for shall be held at the banking house of the said bank, in Cadiz, by a judge and a clerk designated by the board of directors, at some meeting before said election; and the certificate of such judge and clerk shall be proof of the election of the persons therein named as directors. At such election Election, when and where held. each stockholder shall have one vote for each share of stock he or she may own and hold in said bank, which has been fully paid, and may be cast by the stockholder in person or by the person named in a proxy duly signed by such stockholder. Number of votes.

§ 5. That the payment for the shares of stock subscribed shall be as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of Subscriptions, how paid.

directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after twelve thousand five hundred dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue, and should any of the subscribers fail to pay for their subscription of stock as herein provided, the directors may, by resolution entered on their records, and after giving notice of their intention in a newspaper in said town, forfeit such stock, and resell the same at such time as they may deem best; but in case of such forfeiture, the amount paid on said stock shall be refunded to the holder of said stock. Said corporation may commence business as soon as twelve thousand five hundred dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

May extend time.

When may begin business.

Powers.

Notes, etc., made as foreign bills of exchange.

May hold real estate.

§ 6. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take real and personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking house, or at any other bank in this State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, drawers and indorsers.

§ 7. The said corporation may acquire, hold, and possess, use, occupy, and enjoy all such real estate,

goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States: *Provided, however*, That said bank shall not hold any real estate conveyed to it as surety for or purchased in satisfaction, in whole or part, of any debt, judgment, or decree for a longer period than five years. Make by-laws.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency. Not to issue money.

§ 9. The private property of the individual stockholders shall in no case be liable or responsible for corporate debts.

§ 10. Said bank shall be authorized to receive deposits from minors and married women, and their checks or orders for such deposits shall be good and valid against all parties whatever. May receive deposits from minors, etc.

§ 11. No stockholder at any time shall own or hold, directly or indirectly, more than one hundred shares of stock in the said bank.

§ 12. The General Assembly shall have the right to examine the affairs of said corporation by any committee, officer or agent they may appoint for the purpose, and this act shall be subject to repeal and amendment at the pleasure of the General Assembly. General Assembly may examine

§ 13. This act to take effect and be in force from its passage.

Approved February 6, 1888.

CHAPTER 75.

AN ACT to incorporate the People's Bank of Yellow Creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- § 1. That there is hereby established a savings and
 Bank established deposit bank in Yellow Creek, Bell county, Ken-
 Capital stock. tucky, with a capital stock of fifty thousand dollars,
 in shares of one hundred dollars each, to be sub-
 scribed and paid for as hereinafter provided ; and the
 subscribers to said stock, their associates, successors,
 and assigns, shall be a body-politic and corporate, by
 Corporate name. the name and style of the " People's Bank of Yellow
 Creek," and shall so continue for thirty years from
 the date of its organization, unless sooner dissolved
 by a majority in interest of the stockholders therein ;
 Incorporation. and shall have and may exercise all the rights and
 privileges of a natural person in contracting and
 being contracted with, and as such may sue and be
 sued, plead and be impleaded, answer and be
 answered, defend and be defended in any court or
 place ; and may have and use a common seal, and
 change the same at pleasure.
- § 2. Said bank shall be under the control and man-
 Board of direct- agement of a board of seven directors, who shall be
 ors. stockholders, and shall hold their offices until their
 successors are elected and have qualified, and after
 Time of election. the first election under this charter they shall be
 elected annually on the first Monday in January of
 each year, or as soon as practicable thereafter ; and in
 case of a vacancy for any cause, the remaining direct-
 ors may fill the same with other stockholder ; they
 shall elect one of their number president ; they shall
 have power to sell any of the stock not subscribed
 Dividends to be for ; to declare dividends arising out of the profits of
 declared. the business of said bank ; to appoint such officers,
 agents, and employes as may be necessary to properly
 conduct the business of said bank, and pay them for

their services; and may take such bonds from the president, cashier, or other employes of said bank, as they may deem necessary to insure a faithful performance of their respective duties; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That David G. Colson, John D. White, W. G. Colson, O. H. Horrison, Vincent Boring, R. Boyd, and James S. Bingham, are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified; and they may fill any vacancy occurring in their number, and shall provide for an election of directors by the stockholders on the first Monday in June, 1888. The directors aforesaid shall cause the cashier to give due and proper notice to all the stockholders, by publication in some newspaper printed in Pineville, Bell county, Kentucky, or by written or printed notices, through the mails, of the proposed time, place and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section 3 of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than five dollars per share, that may be paid in by any subscriber at or after the time of making said subscription, and before the organization of the bank; and as soon as five shares of said bank stock shall have been subscribed for, they may organize said bank by electing a president and appointing a

Bonds from
cashier and
agents.

Board of direct-
ors appointed

May fill vacan-
cies.

Publication.

Open books for
subscriptions.

When to organ-
ize.

cashier, and may begin business as soon as seventy-five hundred dollars of the capital stock has been paid in: *Provided*, That the cashier shall first go before the county judge or some justice of the peace, clerk of a court of record or notary public, and make and subscribe to an oath (or confirmation) that said seventy-five hundred dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank, the calls for payments of installments on the subscriptions of stock shall not, at any one time, exceed ten dollars per share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock on which any called installment is at any time thirty days overdue, may be declared forfeited by the board of directors, after ten days' notice, in writing, to the owner thereof, of their intention to forfeit same, provided the same shall remain unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay; first, all such due or overdue installments to the bank and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

§ 6. The stock of said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him.

§ 7. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositor,

by general or special contract; may transact a general banking business; loan money, discount paper, ^{Powers.} buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other securities and evidences of debt; take personal, collateral, or other security for the payment of same, and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 8. Said bank may acquire, hold and use such real ^{Real estate.} estate, goods and chattels, as may be necessary for the transaction of its business; may acquire, hold and use any real estate, goods or chattels, which may be conveyed to it as security for, or purchased in satisfaction of, any debt, judgment or decree, but must resell the same within five years; may buy its own stock in satisfaction of any such debt, judgment or decree, but must resell the same as soon as practicable.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 10. The president, cashier, and other officers of ^{Officers to take} said bank, before entering upon the discharge of ^{oath.} their respective duties, shall each take an oath (or affirmation) before the county judge, or some justice of the peace, clerk of a court of record, or notary public, faithfully, and to the best of their skill, ability and judgment, to discharge all the duties of their respective offices or stations, under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 11. Any stockholder owing or in any way indebted to said bank, for unpaid subscription to the stock of said bank, shall not have the right to trans-

fer his stock till such indebtedness to said bank is fully paid thereto.

§ 12. Said bank may take stock and invest in other banks.

§ 13. The Legislature reserves the right to amend, alter or repeal this charter at pleasure.

§ 14. This act shall take effect from and after its passage.

Approved February 6, 1888.

CHAPTER 76.

AN ACT to incorporate the Paducah Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit, and for other purposes hereinafter named, in the city of Paducah, McCracken county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified, and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of "The Paducah Banking Company," and shall so continue twenty-five years from its organization; and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatever. Said bank may have and use a corporate seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of seven directors, who shall be stockholders, and they shall hold their office until their successors are elected and qualified; and after the first election they shall be elected on the first Monday in January in each year, or as soon thereafter as is practically

convenient; and in case of a vacancy, the remaining directors shall have power to appoint a qualified stockholder to fill it. They shall elect one of their Elect president. number president, who shall preside at their meetings, and perform such other duties as may be assigned him by this charter and the by-laws of the company. They shall have power to sell any of the stock unsold; Powers of directors. to declare dividends arising out of the business of said bank; to appoint such officers, agents, and employes as they may deem necessary to conduct the business of said bank, and pay them for their services; to take from the president, cashier, and other Bonds of agents. employes such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank: *Provided*, The same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed Stock to be transferred. personal property, and shall be transferable only upon the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors from time to time shall establish; but the corporation shall have a prior lien on the stock to secure any indebtedness to the bank by the stockholder for said stock. Such lien shall cease upon a transfer being made, as aforesaid, upon the books of the bank.

§ 3. That William Hughes, S. K. Hale, Edgar Commissioners. Cherry, J. B. Sleeth and J. M. White are hereby appointed commissioners, any two or more of whom may open books in the city of Paducah, Ky., and Place of business. receive subscriptions for the capital stock of said bank; and when as much as fifty thousand dollars Publication to be made. or more of said stock shall have been subscribed, it shall be their duty to give notice to the stockholders, in some newspaper published in Paducah, naming a day and place for the election of a board

of directors, who shall be elected by such stockholders, and hold their office until the ensuing annual election, and when as much as, or more than, fifty thousand dollars shall be subscribed and actually paid in, said corporation may commence business.

Subscriptions,
how paid

And upon the election and qualification of said board of directors, all of the subscribers for stock shall, upon ten days' notice, be required by said board of directors so pay their subscriptions of stock at once, or otherwise forfeit the same; and no certificate of stock shall be issued to any stockholder who shall not so promptly pay for the same to said corporation.

May receive de-
posits.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such rate of interest, not exceeding six per cent., as may be agreed on with the depositors by special or general contract;

May sell and buy
bills of exchange.

may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, gold and silver coin, and other evidences of debt; take personal and other security for the payment of the same, and dispose of such stocks and bonds as may be agreed upon by the parties and pass a valid title to the same. All

Negotiable notes
made as foreign
bills of exchange.

promissory notes made negotiable and payable in this bank, or other banks of this State authorized by law to discount such promissory notes, and inland bills of exchange which may be discounted and owned by said bank, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

Receive deposits
from minors and
women.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid: *Provided*, The written consent of the husband, parents

or guardians of such married women or minors shall be filed with the cashier.

§ 6. Said bank may acquire, hold and use all such ^{May hold real estate.} real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as a security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as it is practically convenient: *Provided, however,* That said banking company shall not hold any real estate conveyed to it as surety for, or purchased in satisfaction of, any debt, judgment or decree for longer than five years.

§ 7. All the stock of the stock-owners of said bank ^{Liabilities.} shall be liable for, and subject to, the payment of the liabilities of the bank; but the stockholders themselves shall not be individually liable therefor.

§ 8. It shall not be lawful for said bank to issue ^{Not to issue money.} any notes or bills to circulate as money.

§ 9. The president, directors, and other officers of ^{Officers to take oath.} said bank, previous to entering upon the discharge of their duties, shall take an oath, before some justice of the peace of this State, faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not, during their continuance in office, sanction nor permit any of the provisions of this charter to be violated.

§ 10. This act shall take effect from and after its passage.

Approved February 6, 1888.

CHAPTER 77.

AN ACT to empower the county court of Calloway county to levy an ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Calloway county, a majority of the justices of the peace being present and concurring therein, may levy an ad valorem tax, not to exceed twenty cents on each one hundred dollars' worth of taxable property in said Calloway county, for the year 1888, for the purpose of creating a new jail in said county of Calloway.

§ 2. The tax herein provided for shall be collected by the sheriff or collector of said county at the same time the State revenue is collected, and for so doing he shall be allowed the same compensation that is now allowed sheriffs for collecting State revenue tax. And he shall pay said tax to the persons entitled to same by order of the county court of said county ; and for the faithful discharge of his duties under this act, he and his sureties shall be responsible upon his bond as collector of the county levy of said county.

§ 3. This act shall take effect and be enforced from and after its passage.

Approved February 6, 1888.

CHAPTER 78.

AN ACT to amend and continue in force an act, entitled "An act authorizing and empowering the Trigg county court to issue, sell and dispose of the bonds of Trigg county, and provide for the payment of said bonds and interest thereon," approved February 11, 1882, and an act amendatory of said act, approved February 18, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act authorizing and empowering the Trigg county court to issue, sell and

dispose of the bonds of Trigg county, and provide for the payment of said bonds and interest thereon," approved February 11, 1882, and an act amendatory of the said act, approved February 18, 1884, and each and all of the provisions of the said acts, be, and the same are hereby, amended and continued in full force and effect for the period of six years longer, from and after the expiration of the said acts, respectively, as therein provided.

§ 2. This act shall take effect and be in force from its passage.

Approved February 6, 1888.

CHAPTER 79.

AN ACT to incorporate the Builders and Traders' Exchange of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. P. Snead, M. J. Duffy, S. Shulhafer, Incorporators. Jno. Diebold, J. N. Struck, Jas. Mitchell, Jno. Greiner, B. J. Campbell, J. H. Murphy, Geo. B. Bahr, Jno. Bernhauser, J. L. Wheat, J. E. Carpenter, P. Bannon, M. J. Bannon, and J. H. Peter, and their successors, associates and assigns, be, and they are hereby, created a body-politic and corporate, under the name "The Builders and Traders' Exchange Corporate name. of Louisville, Kentucky," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, all as a natural person; it may also have and use a seal, and alter or change the same at will. It shall have further power to buy, Power to hold real estate. receive and hold and mortgage, sell or barter, any real or personal property necessary for its use. It may Capital stock. organize a capital stock not exceeding two hundred thousand dollars (\$200,000) in such amounts as may be determined on by its members and as to conditions thereof, terms of payment, etc., on such terms

as may be directed by its board of directors, but shall at no time incur a debt or liability beyond two-thirds of its capital stock that may have been at such date *bona fide* subscribed. Said association shall have further power to originate, create and enact all by-laws deemed necessary or expedient for its management and its interests, or to carry out and enforce its objects, and with power to enforce all such by-laws as well as any penalties attached thereto, or made a part thereof ; such by-laws not being inconsistent with the purpose of this corporation, or with the laws of this State or of the United States.

By-laws.

§ 2. The object of said association is to furnish suitable accommodations for a daily meeting of its members, and to establish and maintain uniformity in commercial dealings by proper rules, and to adjust differences between members of said association or them and others.

Object of Association.

§ 3. The officers of said association who are to conduct all the affairs thereof are to be a president, two vice-presidents, secretary, treasurer, and nine directors ; the president and vice-presidents and said nine directors forming a board of twelve directors. The president and vice-presidents, secretary and treasurer, and three of said nine directors, are to be elected at the regular annual meeting of said association by the members thereof, said president, vice-presidents, secretary and treasurer to serve for one year or during good behavior, and until their successors are elected and qualified ; and said three directors to serve for three years ; and such officers as may have been already elected to said offices are now confirmed therein, and to serve until the next annual meeting of the said association, as may be fixed by its by-laws ; and the nine directors already elected are to hold office until the next annual election of said association, at which time there shall be nine directors elected, three of each to serve for one, two, and three years ; and thereafter there shall be three elected at each annual

Officers.

Directors.

meeting, as above provided for. Voting for such officers and directors may be in person or by written proxy. In the event of a vacancy in the board of directors, it shall have power to fill such vacancy, as also to appoint any other agents, and to fix the compensation of all officers and agents, and provide a fund for their payment.

§ 4. The private property of the members of said association or exchange is to be exempt from the payment of any incorporate debts.

Approved February 6, 1888.

CHAPTER 81.

AN ACT to amend an act, entitled "An act to incorporate the Owensboro Running and Trotting Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Owensboro Running and Trotting Association," approved April 25, 1884, be, and the same is hereby, amended as follows:

§ 2. Strike out the words "running and trotting association," wherever they occur in the title and body of said act, and insert in lieu thereof the words "jockey club."

§ 3. After the words "first Monday in March," wherever they occur in the third section of said act, insert "or such day as the by-laws may designate."

§ 4. After the words "grounds," in the fifth section of said act, insert the words "and at one or more points in the city of Owensboro, Ky."

§ 5. The private property of stockholders shall be exempt from corporate debts.

§ 6. This act shall take effect and be in force from its passage.

Approved February 6, 1888.

CHAPTER 82.

AN ACT, entitled "An act to incorporate the Nicholasville and Troy Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporating,
and for what
purpose.

§ 1. That a company is hereby formed and created a body-corporate and politic under the name and style of the Nicholasville and Troy Turnpike Road Company, for the purpose of constructing a turnpike road, beginning at Geo. B. Bryan's, thence along the present dirt road to the north-west corner of Dean Nave's place; thence in a westerly direction with the line of said Dean Nave and Sam'l Guyn's heirs, to the said dirt road, to the Monday's Landing, Versailles and Harrodsburg Turnpike, in Woodford county, a distance of about three miles; to have perpetual succession, and by the aforesaid name and style may sue and be sued, contract and be contracted with, plead and be impleaded, in any of the courts of this Commonwealth.

Capital stock.

§ 2. That the capital stock of said company shall be five thousand dollars, and may be increased or diminished at the pleasure of the company, and shall be divided into shares of fifty dollars each.

Names of commissioners.

§ 3. That Louis S. Roberts, James C. Lowry, and A. L. Ryley, be, and are hereby, appointed commissioners to open book for the subscription of stock aforesaid, at such time and in such places as they, or any two of said commissioners, may deem expedient.

May call a meeting of stockholders.

§ 4. That when a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or any two of them, shall, at such time and place as they deem proper, call a meeting of the stockholders and hold an election for a president and five directors, for one year, or until their successors are elected and qualified.

§ 5. That no person shall be eligible as president or director who is not the owner of one or more shares of stock in said road; and in the election of president and directors each stockholder shall be entitled to one vote for each share of stock so owned, and may be cast in person or by proxy.

§ 6. That the president and directors shall have the power to appoint a treasurer, gate-keeper, and all officers and agents which may be deemed necessary to effect the purpose of this act, and to remove them at pleasure; and they may require the treasurer, and all other officers and agents appointed by them, to execute bond and security in such a sum as they may deem proper, conditioned for the faithful performance of the duties incumbent on them as such.

§ 7. That the county court of Jessamine county are hereby authorized to subscribe to the capital stock of said company in any amount not exceeding twelve hundred and fifty dollars per mile, that the said court may see proper to subscribe.

§ 8. That the grade and width of said road shall be determined by the president and board of directors.

§ 9. That the stock of said company shall be transferable only upon the books of said company.

§ 10. That so soon as said road is completed the president and directors may erect one toll-gate anywhere on said road they deem proper, and may collect and receive one full toll at the rate now fixed by the General Statutes.

§ 11. That the president and board of directors may make all by-laws necessary for the transaction of its business not in conflict herewith, nor in conflict with the laws of this State.

§ 12. That said company may acquire, by deed, gift or conveyance, or by writs of *ad quod damnum*, ground for right of way; toll-house not exceeding five acres, rock quarries and other material as may be necessary to build said and bridges on said road.

§ 13. This act to take effect from and after its passage.

Approved February 6, 1888.

CHAPTER 83.

AN ACT for the benefit of D. B. Logan, of Rowan county.

Preamble.

WHEREAS, On the nineteenth day of February, 1887, the Governor of Kentucky made his requisition on the Governor of Pennsylvania for the surrender of the person of one Coffee Premo, a fugitive from justice, charged by indictment in the Rowan circuit court with felony; and also, simultaneously with the making of said requisition, appointed and commissioned D. B. Logan, agent of the State of Kentucky, to proceed to the State of Pennsylvania, and to demand and receive and bring said fugitive back to this State and deliver him to the jailer of Rowan county; and whereas, in obedience to said commission the said D. B. Logan forthwith proceeded to said State of Pennsylvania and to the city of Mansfield, where said fugitive was apprehended and had died on the same morning of said Logan's arrival there; and whereas, by reason of the death of said fugitive said D. B. Logan was prevented from executing said commission; and whereas, his actual necessary expenditures were fifty-three dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of D. B. Logan for the sum of fifty-three dollars.

§ 2. That this act shall take effect from its passage.

Approved February 6, 1888.

CHAPTER 84.

AN ACT to amend the charter of the North Middletown Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the North Middletown Deposit Bank," approved March 15, 1869, be, and the same is hereby, extended, with all the privileges granted therein, and all the amendments thereto, for a period of twenty-five years from the expiration of said charter, except that the following words shall be added to section 8 of the original charter, viz: "And provided further, that any real estate purchased by it in satisfaction of any debt, judgment, or decree, shall not be held by it for a longer period than five years;" and except, further, that sections 9 and 10 of said original charter are hereby repealed.

§ 2. That said corporation may, by the consent of a majority of the stock, increase the capital stock of said bank to one hundred thousand dollars, or reduce it to thirty thousand dollars, in their discretion.

§ 3. This act shall be in force from and after its passage.

Approved February 6, 1888.

CHAPTER 85.

AN ACT to amend an act, entitled "An act to charter the Supreme Lodge, Colored Brotherhood of Honor," approved May 1, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved May the 1st, 1886, entitled "An act to charter the Supreme Lodge, Colored Brotherhood of Honor," be, and the same is hereby,

amended so as to include colored women as well as colored men, and said act shall apply in every sense the same to colored women as to colored men.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1888.

CHAPTER 86.

AN ACT to incorporate the town of Eden, in Martin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation. § 1. That the town of Eden, in Martin county, Kentucky, be, and it is hereby, incorporated, with corporate powers, duties and responsibilities.

Boundary. § 2. That the boundary of said town shall be twelve hundred yards from the public square in every direction.

Trustees elected. § 3. The municipal affairs of said town shall be managed and controlled by five trustees, who shall be elected by the qualified voters in said town and corporation on the first Saturday in September, 1888, and annually thereafter; and said trustees so elected and qualified shall hold their offices for one year, and until their successors are elected and legally qualified. Before they enter upon the duties of their office they shall take an oath before some judge or justice of the peace to faithfully discharge the duties of their office.

Shall elect chairman. § 4. Said trustees, after being elected and legally qualified, shall elect one of their number chairman, who shall preside at their meetings and have power to convene the board when, in his opinion, the interest of the town demands it. It shall be his duty to see that the ordinances and by-laws of said town are duly executed and enforced. They shall also elect from Secretary. their own number a secretary, whose duty it shall be to record all the proceedings of their meetings,

and they shall elect one of their number treasurer, Elect treasurer. whose duty shall be to receive and receipt for all money collected by the town marshal and police Police judge and marshal. judge belonging to said corporation, and all moneys due and belonging to said corporation from any and all sources. He shall execute bond to the Common- Take bond. wealth of Kentucky for the use of said corporation, with approved securities, for the faithful discharge of his duties. Said trustees shall be known by the name of the trustees of the town of Eden, and shall be a body-corporate, and shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, and to do all such acts and things, either in law or equity, as bodies-politic and corporate may rightfully do and perform.

§ 5. The trustees of said town shall have power to Powers of trustees. lay off and establish any new streets or alleys, and receive all necessary conveyances in relation to said town, and shall have the right to transfer, by sale and conveyance, any property, real or personal, belonging to said corporation; they shall have control over the streets, alleys and sidewalks of said town which is now or hereafter opened, and may improve the same as they may deem best. The conveyances herein provided for shall be governed by the laws of conveyance in force in the State of Kentucky.

§ 6. They shall have power to levy and collect an ad valorem tax of not exceeding forty cents on the one hundred dollars' worth of taxable property in the corporate limits, and a poll tax of not exceeding one dollar for any one year from each male inhabitant residing in said town limits, and subject to pay a poll tax; they may tax all auction sales, shows and exhibitions for money or profit, such sums as they may deem reasonable; they shall have power to make all necessary by-laws, and pass ordinances for the good of the town, not inconsistent with the laws and Constitution of this State, and may fix adequate penalties for the violation of such ordinances not exceed-

Advertise ordinances.

ing a fine of one hundred dollars and imprisonment for not exceeding thirty days for the violation of any one ordinance: *Provided*, No ordinance shall take effect until a copy thereof shall have been posted up by the secretary for ten days in three conspicuous places in said town.

Police judge to be commissioned by Governor.

§ 7. That there shall be elected by the qualified voters of said corporation a police judge and town marshal, at the time of electing said trustees, in each year. The police judge shall be commissioned by the Governor of Kentucky, and he and said town marshal, before entering upon the duties of their respective offices, shall take an oath that they will faithfully discharge the duties of their respective offices, and enter into bond, as required of the treasurer of said corporation, to be approved by the board of trustees; and they shall hold their offices for two years, and until their successors are elected and qualified.

Jurisdiction of police judge.

§ 8. The trustees, at least fifteen days before the election herein provided for, shall appoint two competent persons, who are not candidates for trustee, as judges, ~~who~~, being first sworn, shall, in conjunction with the secretary of the ~~board~~, conduct said election and certify same to the board of trustees, ~~as is~~ required of county court clerks in other elections; said police judge shall have jurisdiction concurrent, criminal, penal, legal, and equitable, with justices of the peace of Martin county, and shall have exclusive jurisdiction over all claims arising from the infraction or violation of any of the by-laws of said town, and shall have the same fees, rights, duties, liabilities, and responsibilities as justices of said county.

Duty of county clerk.

§ 9. It shall be the duty of the county court clerk of Martin county to make out and deliver to the secretary of said board a true copy of the assessor's book of the property and the poll tax-payers in said corporation limits by the first day of June in each year, for which he shall be allowed the same fees as is now allowed for copying said books for the State,

and the same shall be paid by said corporation, and the trustees, by their order, shall authorize the town marshal to collect such tax as they may levy on same, as provided for in this act, and said taxes shall be collected under the same rules and regulations as State and county taxes are now collected by law, and the same fees allowed therefor,

§ 10. The trustees shall cause all by-laws and ordinances passed by them to be recorded in the journal of their proceedings, and have posted up a copy of the same at three of the most public places in said town. It shall be their duty to fill any and all vacancies occurring in any offices aforesaid by appointment until the next regular election, and may, for good cause, remove the marshal, police judge, or any member of said board from office.

Keep journal of proceedings of trustees.

§ 11. The town marshal shall have concurrent jurisdiction with constables of Martin county, and shall be entitled to same fees for similar service, and shall be alike responsible for his official acts.

Town marshal.

§ 12. That Q. W. Ward, W. S. Cassidy, N. C. Ward, Thos. Warden, and Thos. Kink are hereby appointed trustees of said town, and W. T. Cline, police judge, and R. J. Underwood, marshal of said town, who shall hold their offices, after executing the bonds herein provided for qualifying as such, until the first Saturday in September, 1888, and until their successors are elected and qualified; and a failure upon the part of any of the aforesaid officers or their successors to enforce any criminal or penal laws now in force in the limits of said corporation, or any by-laws which may be hereafter passed by said board of trustees. Upon information of such failure, they shall be liable to indictment by the grand jury of Martin county, and fined not less than fifty nor more than two hundred dollars for each offense.

Trustees appointed.

Election.

§ 13. That said board of trustees shall have the power to appoint as many policemen for said town as they may deem necessary, and make such arrange-

Police to be appointed.

ments for paying them for their services as they deem expedient.

§ 14. The trustees may contract for the annual services of a prosecuting attorney for said town at such price as may be agreed upon, and said attorney shall, in addition thereto, be allowed thirty per cent. on all fines and forfeitures arising from any infractions of the by-laws and ordinances of said town, and the remainder thereof shall be paid into the treasury of said corporation for the use and benefit of the same.

§ 15. The said trustees shall have the right to contract and agree with the jailer of Martin county as to compensation for dieting and caring for any prisoner who may be committed for any infraction of their by-laws, and he shall be liable on his official bond as in other cases for any neglect of duty herein.

§ 16. The police court shall be open at all times for the trial of any cause or action that may stand for trial therein.

§ 17. This act shall take effect from and after its passage.

Approved February 7, 1888.

CHAPTER 87.

AN ACT to incorporate the Germania Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Adolph Reutlinger, Gotlieb Layer, Adam Schuster, C. H. Dorn, J. N. Struck, H. F. Vissman, H. H. Rademaker, Joseph Gottbrath and M. Schwartz, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Germania Safety Vault and Trust Company, and by that name have perpetual succession, and may sue and be sued, and have all the power hereinafter

given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said corporation shall consist of two thousand shares of the value of one hundred dollars each, with the privilege of increasing the same by vote of two-thirds of the stockholders, holding two-thirds of all the capital stock, at any annual or special meeting, to any amount not exceeding five thousand shares of stock of one hundred dollars each. The corporators, or a majority of them named in the first section of this act, shall have power to open books and receive subscriptions at such time and places as they may deem expedient; and when not less than one thousand shares shall have been subscribed and twenty per centum thereof paid in, the shareholders may elect a board of not less than nine directors, which may be increased by a vote of the stockholders to twelve; and the directors shall serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise in behalf of, and in the name of the company, all the rights and privileges which are hereby given, subject only to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them; and should the capital stock at anytime be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors. Active business shall not be commenced by the corporation until one hundred thousand dollars have been paid in the capital stock.

§ 3. The principal office of the corporation shall be in the city of Louisville. All the directors of the

corporation shall be citizens of the State of Kentucky and shall reside therein, and shall keep a record of their proceedings as directors.

Election of directors.

May appoint officers and require bonds of them.

§ 4. The election of directors shall take place on the third Tuesday in January of each year. The directors shall elect from their number, at the first meeting of the board after their election, and directly after such annual election of directors thereafter, a president and a vice-president, who shall hold their offices for the term of one year and until their successors are elected and qualified, and may appoint a secretary and a treasurer, and such other officers, clerks, agents, and employes as the business of the corporation may require, and fix their compensation, and may require from any of said officers, clerks, agents, and employes bond for the faithful discharge of their duties. All election of directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of ten shares. At any meeting a quorum of the stockholders shall consist of stockholders owning at least one-third in value of the capital stock, except the annual election for directors. Five or more of the directors shall constitute a quorum of the board of directors, and vacancies occurring in the board in the intervals of election shall be filled by the board.

Make by-laws.

§ 5. The board of directors shall make all by-laws necessary for conducting the business of the corporation. The board of directors shall have power to require payment of the amount remaining unpaid on the stock of the corporation at such times and in such proportions as they shall think proper, assessments thereof to be made as the by-laws shall direct. The corporation shall have a lien on the stock for any amount that may be due thereon.

May buy or lease business property.

§ 6. The corporation may purchase or lease a building or premises containing a strong and commodious safety vault, or construct therein such vault, which

shall have a number of small compartments or boxes designed and adopted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and the corporation is hereby empowered to rent out the boxes or compartments in such safety vault to such persons and at such price and for such time as may be agreed between the corporation and such persons as may jointly or severally rent one or more of such boxes or compartments.

§ 7. The corporation is hereby empowered to receive for safe-keeping any valuables that may be entrusted to it, receipting for the same by its president, vice-president, secretary, or by any of its officers designated by its by-laws so to do, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

§ 8. The said corporation may be appointed and may act as guardian of infants, as executor or administrator, or committee of idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust, estate real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may in its fiduciary capacity purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other money, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or

May receive valuables for safe-keeping.

May act as guardian, trustees, etc.

May act as agent in conveying and leasing real estate, etc.

by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all its business of a fiduciary character shall be kept in a separate and special set of books.

One half capital
stock to be in-
vested.

§ 9. One half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement, as near as practicable, of the value of the estate and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, committee, receiver, assignee or trustee, or in any other capacity, and shall not be liable for any other debt or obligation of the company until its obligation in regard to its trusts shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation. But nothing herein shall be construed to permit said company to discount paper, or to engage in the business of banking. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest, at such times as such courts may direct.

One half capital
stock may be
loaned, etc.

§ 10. The capital of said corporation shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointments to any of the offices or duties mentioned herein, except where required by the courts or by the parties in interest, nor shall security be required of it other than that of its capital on any bond or bonds required or necessary to be executed by said corporation as executor, administrator, guardian, committee, receiver, or trustee, or on any bond required or necessary to be executed by said corporation as guardian or committee in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title 10, chapter 14, or upon any bond of indemnity or other bond or bonds that may be required of said corporation in the course of any judicial proceedings, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities; but any court having jurisdiction to make or approve such appointments shall have power, before making or appointing the same, and at any time thereafter, to examine the officers of the corporation, under oath or affirmation, as to the security aforesaid and the amount and extent of its fiducial liabilities, and if deemed advisable by said court or courts to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court or courts the manner in which its investments are made and the security offered to them by or for whom its engagements are held, the expense of such investigation to be paid by said corporation.

Capital stock be considered security for trusts.

Court may investigate affairs of.

§ 11. In the exercise by said corporation of the powers herein authorized as guardian, executor, administrator, committee, or of any office or duty imposed by the courts or otherwise committed to said corporation, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as may be fixed by

Duties and responsibilities as guardian, etc.

law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

Dividends.

§ 12. Said corporation may, from time to time, declare and pay dividends, but only from its net earnings.

May hold real estate.

§ 13. Said corporation may purchase, hold and convey such real estate as shall be necessary for its immediate accommodation in the transaction of its business, or may have been previously mortgaged to it, or taken in satisfaction of debts previously contracted in the course of its dealings, or shall be sold under judgments, decrees or mortgages held by the corporation.

§ 14. This act shall take effect and be in force from its passage.

Approved February 7, 1888.

CHAPTER 88.

AN ACT to incorporate the Hutcheson Normal, Scientific and Business Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and powers.

§ 1. That R. R. Hutcheson, W. N. Matthews, F. W. Davis, W. N. Penn, Jesse Hampton, and their associates and successors forever, are hereby created a body-politic and corporate, under the corporate name and style of the Hutcheson Normal, Scientific and Business Institute, and in such corporate name may have perpetual succession, have a corporate seal, contract and be contracted with, sue and be sued, purchase, own and sell such real and personal estate as they may deem necessary to the establishment and

successful operation of an institute of learning at Hinton, in Scott county, Kentucky.

§ 2. The general business of said corporation shall Purpose of incorporation. be the establishing and managing of an institution of learning at Hinton, in Scott county, Kentucky, to be known as the Hutcheson Normal, Scientific and Business Institute. Said institute shall be managed by a board of directors, to be elected by the said corporators for a period of three years, and until their successors are duly elected and qualified. One of said directors shall be chosen president and another secretary and treasurer for the same length of time. The ground upon which said Hutcheson now conducts his school shall be used without purchase or rental for the purposes of the institute, but shall remain the private property of said Hutcheson; but shall not be taken away from said institute so long as said institute shall be conducted thereon.

§ 3. Said board of directors shall, from time to Course of study. time, prepare a thorough course of study for the students in said institute, which course shall embrace all the English branches; and also a classical course, a scientific course, a business course, and a normal course especially adapted to the preparation of persons for proficient teachers; and when any student has completed a thorough course of study in either department of learning, may give to such student a diploma according to his or her proficiency.

§ 4. Said board of directors may appoint, from time Officers and agents. to time, such other officers and agents as they may think proper, and fix their compensation for their services, and prescribe their duties and fix the reasonable rates of tuition in said institute, and make such by-laws, rules and regulations for the government of said institute as may be deemed necessary, consistent with the Constitution and laws of the United States and of this State.

§ 5. This act shall be in force from its passage.

Approved February 7, 1888.

CHAPTER 90.

AN ACT to fix a time for the taking effect of "An act to amend an act, entitled 'An act concerning the roads and bridges in Caldwell county,'" approved January 12, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act concerning the roads and bridges of Caldwell county,'" approved January 12, 1888, shall take effect and be in force from and after the passage of this act.

§ 2. This act shall be in force from and after its passage.

Approved February 11, 1888.

CHAPTER 91.

AN ACT for the benefit of Joseph Farmer and his daughter Lizzie.

WHEREAS, About fourteen years ago Joseph Farmer was married to a lady in Montgomery county, Kentucky. They lived in said county as husband and wife for about three years, then his said wife abandoned and instituted suit against him for divorce in said county, and said Farmer was served with process. Said Joseph Farmer made no resistance to said suit. He left the county, and moved to Mercer county, Kentucky, and was shortly afterwards creditably informed that his said wife had obtained judgment for divorce. Said Farmer then moved to Taylor county, Kentucky, and eight years thereafter said Farmer, believing he had been divorced from his former wife, was married to a most excellent lady, Miss Katie McCullough, of Taylor county, Kentucky, where they now reside. Since their said marriage they have had born to them a daughter, Lizzie, who is about one year of age. Said Joseph Farmer has

within the last five months learned that his former wife of Montgomery county never obtained said divorce until within the last year past, and long since his marriage to said Katie McCullough ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the marriage of said Joseph Farmer to Miss Katie McCullough be, and is hereby, declared legal, binding and genuine ; that their said infant daughter, Lizzie Farmer, be, and she is legitimized and declared the legal daughter and heir of said Joseph Farmer, and he is relieved from any and all penalty of the law.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 11, 1888.

CHAPTER 92.

AN ACT to amend an act, entitled "An act to incorporate the town of Hanson, in Hopkins county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundary of the town of Hanson, in Boundary. Hopkins county, shall be as follows: Beginning at the south-west corner of the present boundary and corner of the lot known as the Drucilla Adams lot, running thence east, or nearly so, and parallel with Main street three thousand four hundred feet to a planted stone ; thence north, or nearly so, and at right-angles with Main street, three thousand one hundred feet to a planted stone ; thence west, or nearly so, and parallel with Main street, as now opened, three thousand four hundred feet ; thence south, or nearly so, and at right-angles with Main street, to the beginning.

§ 2. That the fiscal, prudential and municipal concerns of the town, with the government and control thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Saturday in July by the qualified voters of said town: *Provided, however,* That no one shall be eligible to said office of trustee who has not resided in said town six months next before his election, and who shall not at the time be a qualified voter for State Representative: *And provided further,* That no election shall be held for trustees under this act, or the act to which this is an amendment, until the first Saturday in July, 1889, until which time and until their successors shall be elected and qualified. Thomas Parish, R. M. Beney, J. S. Waller, J. W. Slaton and K. W. Coffman shall fill the office of trustees for said town, and their term of office shall begin on the day this act is approved, or as soon thereafter as they shall qualify as hereinafter provided.

Board of trustees shall manage affairs.

§ 3. The said board of trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Trustees of the Town of Hanson;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts and places; and may have and use a common seal, and may alter same at pleasure.

Powers of trustees.

§ 4. The said board of trustees shall hold their office for one year (except the board herein appointed, which shall hold until the date herein above mentioned), and until their successors are qualified.

Term of office of trustees.

§ 5. Said trustees shall take an oath before some officer qualified to administer it that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as trustees during their continuance in office.

Trustees shall take oath.

Trustees shall appoint treasurer

§ 6. The trustees shall appoint a treasurer, who

shall give bond in such penalty and with such security as the trustees may approve.

§ 7. The said trustees shall exercise and possess all the powers and privileges which are, by the general laws of the State, vested in and granted to trustees of towns. They shall have full power and authority to make all necessary by-laws, ordinances and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of the United States or of this State, for the purposes of securing the quiet and good order of said town, and the comfort and health of the citizens thereof.

§ 8. Said trustees, for the use, benefit, and ornament of said town, shall have power to acquire real and personal property, either by purchase or donation or otherwise, and shall have power to sell and convey the same, a majority of the board consenting thereto: *Provided*, That the voters for and against a proposition of a sale shall be specially entered on the records kept by the clerk.

§ 9. The said trustees may, by ordinance passed by a majority of the members, the yeas and nays thereon being recorded in the record of the board, whenever the public convenience or necessity may require it, cause any new street or alley to be opened, or an old street or alley extended or widened, and may procure the condemnation of any real estate as follows: *Provided*, That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money to the claimant. If the amount of such compensation can not be fixed by agreement, the trustees may then proceed to condemn the same, as now prescribed by article 6, chapter 107, General Statutes; and either party may appeal, as now provided by law.

§ 10. The trustees may, from time to time, direct and require the owners of lots and parts of lots in

Shall have powers given by general law.

Trustees shall acquire real and personal property.

Trustees may open new streets and alleys.

May require lot owners to make own sidewalks.

said town, where the same fronts on a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or fractions of lots, of such width, and of such materials, and in such manner and at such elevation as the said board may deem expedient; and if the owners of such lots, or fractions of lots, shall fail to have such sidewalks repaired or paved within the time and manner prescribed by said board, then said board may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by the person or persons who have failed to comply with the directions of the board, and may be recovered, in name of the board of trustees, by warrant before the police judge, in the sum of fifty dollars and under; and if over that amount, by suit in the Hopkins circuit court; and the board of trustees shall have a lien upon the property of such person or persons for the amount of costs and charges thus incurred by them.

May tax hotels
and saloons.

§ 11. The said trustees may tax every hotel keeper or saloon keeper, or other person who may receive license from the county court of Hopkins county to sell spirituous or vinous liquors or mixtures thereof in less quantities than a quart, within the limit of said town, as established by this act, a sum not more than two hundred nor less than one hundred dollars, to be paid into the treasury of the town.

Levy of ad va-
lorem tax.

§ 12. The trustees shall have power to levy an ad valorem tax not to exceed one per cent. upon the one hundred dollars of the taxable property in said town, for municipal purposes, exclusive of poll tax; and shall have power to levy a poll tax not exceeding two dollars and fifty cents on each legal voter in said town.

Appointment of
assessor and
duties of.

§ 13. Said trustees shall have the power, and it shall be their duty, annually to appoint an assessor, who, after being sworn faithfully to perform the duties of his office, shall call upon the taxable persons within the limits of said town, and make out a true list of

all the taxable property owned by them on the tenth day of January of any year, including what they own under the equalization law, with the value thereof; and such list shall be made upon the oath of the taxpayer administered by the assessor. And said list shall embrace all the real and personal estate in said town, and all the males over twenty-one years of age, and all the personal property listed under the equalization law. And if any person shall refuse to give in said list of his or her property, he or she shall be triple taxed on the value of their property, said value to be ascertained by the oaths of any two persons resident in said town; said triple tax to be recovered by warrant before the police judge of said town in name of the board of trustees. The said assessor shall return his list within one month from the date of his appointment to the clerk of the board of trustees, and may be fined for failure so to do, by warrant before the police judge in the name of the board of trustees, in a sum not less than five nor more than fifty dollars; but the board may, for good cause shown, extend the time to return said list. Said assessor shall be paid for his service such sum as said trustees may order.

§ 14. The trustees of said town, at their regular meeting in the month of June in each year, shall appoint three discreet citizens of said town as a board of supervisors of tax, who, after being duly sworn to faithfully discharge the duties assigned to them according to law, shall meet at such time and place as may be designated by ordinance, and examine with care the assessor's report of taxable property returned for that year, whether in fact or in relation to the value of the property listed; and in case where they shall be of the opinion that any property has been incorrectly valued, to affix to same its proper value; but they shall not increase the valuation made by the assessor without summoning the owner, if he be a resident of the town, before them, to show cause why the same

Board of Supervisors and their duties.

shall not be made. It shall be the duty of the assessor to attend the session of the board of supervisors and give evidence and information concerning the business before them, upon oath when required; and said board shall have power to compel the attendance and examination of witnesses before them, to enable them to discharge their duties. They shall keep a record of their proceedings, and correct the tax-books thereby, and shall make a full report of their acts to the board of trustees.

§ 15. For all taxes levied as hereinbefore authorized the town of Hanson shall have a lien relating back to the day when the assessment should commence on all real and personal estate in said town belonging to the persons or corporations owing such taxes: *Provided*, That purchasers of property from persons owing taxes shall be only liable for the taxes due on the property purchased.

§ 16. The town marshal shall, by virtue of his office, be collector of taxes. He shall, at the May or June meeting of the board of trustees in each year, execute bond to the town, with good security, to be approved by the board of trustees, conditioned that he shall, during the next twelve months, collect, account for, and pay to the town treasurer, and to other persons entitled thereto, according to law and the ordinances of the town, all moneys, taxes, and public dues; also all fines, amercements, and penalties directed or authorized by law to be collected or received by him.

§ 17. If there be no personal estate which the marshal can distrain for tax due on real estate, or if the personal estate found be insufficient to pay the whole of said tax, and the owner of the land or lot shall fail to pay the same by the tenth day of December of the year of for which such tax is due, ten per cent. shall be added as a penalty. And the said marshal shall, on the first day of some county or circuit court, at the door of the court-house of Hopkins county, pro-

Lien for taxes.

Town marshal shall be tax-collector.

Sale of real estate for taxes, how made.

ceed to sell the land or town lots, or so much thereof as may be necessary to pay the taxes thereon, together with the ten per cent. penalty above specified, and the cost and expenses of sale to the highest bidder for cash. The time, place, and terms of sale, together with a statement of the name of the owner, a description of the lot, and the amount of the taxes and penalty due thereon, shall, before said sale is made, be advertised at the door of the court-house of Hopkins county, and in ten other public places in the town of Hanson.

§ 18. The marshal shall, as soon as practicable after making any sale of real estate for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold and the names of the owners of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and said marshal shall also make affidavit before some justice of the peace of Hopkins county that he has complied with all the requirements of this charter and ordinances of the town in the sale of the property set forth therein for taxes, which affidavit shall form a part of the marshal's report.

Report of sale of real estate for taxes, how and to whom made.

§ 19. All lands and town lots sold by the marshal for taxes may be redeemed by the owner or his representative at any time within two years from the date of sale, by paying to the purchaser or his representative the amount of the purchase money and interest thereon, at the rate of ten per cent. per annum, from the date of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the clerk of the board of trustees, to be filed with the marshal's report of the sale. If the purchaser, his agents or representatives, do not reside in the county of Hopkins, or can not be found therein, the owner of the property, or his representatives, may make affidavit of the fact, and pay the

Time of redemption of property sold for taxes.

amount of the purchase money, with the interest thereon aforesaid, to the town marshal, and take his receipt therefor; which affidavit and receipt must be lodged with the clerk and filed with the marshal's report of the sale: *Provided*, Infants shall have two years after arriving of age to redeem their lands, upon the same terms and in the same manner herein prescribed for adults.

§ 20. The marshal who sells town lots or lands for taxes, or his successor, must convey the title sold to the purchaser or his assignee, or his heirs and devisees, if the land is not redeemed as herein provided; and the marshal making the sale may make this deed after his term of office has expired. The deed shall be acknowledged before the Hopkins county court clerk, and be recorded in his office.

§ 21. If any person bound for tax shall be insolvent, or shall have removed out of the county of Hopkins, with his estate, after he was assessed for tax, and before a sufficient time to collect it had elapsed, the marshal shall, at the regular meeting of the board of trustees, in the month of April, return a list of such persons and the amount of tax assessed against them, and whether they have removed or are insolvent, and make oath to the same, which list the trustees may examine and may strike therefrom those whose tax might have been collected by the marshal by due diligence, and for the balance of tax on said list the marshal shall be entitled to a credit on a settlement with the town.

§ 22. The board of trustees may, by ordinance, declare what are nuisances, and provide modes for abating the same. They are empowered to appoint such policemen or police guards as they may deem necessary to secure the quiet and good order of said town, and may by ordinance define their duties. They shall have power, by suitable ordinances, with penalties annexed, to suppress tippling-houses, bawdy-houses, and gambling-houses; also to sup-

Title of property sold for taxes, how made.

Marshal shall report names of insolvent persons and those removing from town who owe taxes.

Nuisances.

press riots, routs, breaches of the peace, disorderly or indecent conduct, obscene language, disturbing religious worship, schools, public speaking, or lectures, and injury to property, public or private, within the limits of said town. They shall also have power to prevent the introduction and spreading of infectious diseases within said town, and to establish pest-houses and to prescribe the regulations for their government, and to make any and all rules necessary to secure the general health of the inhabitants of the town. Also, to tax, license, and regulate auctioneers, distillers, brewers and pawnbrokers; also, to regulate and license shop-keepers, coffee-houses, druggists, grocers, and keepers of ordinaries or victualing-houses.

§ 23. There shall be held in said town an election on the first Saturday in July, 1889, and on the same day every four years thereafter, at such place as the board of trustees may appoint, and of which at least six days previous notice shall be given by written or printed notices, posted in three or more public places in said town, by the clerk of said board, at which election there shall be chosen by the voters a police judge, who shall hold his office for a term of four years, and until his successor is elected and qualified. J. F. McQuinn is appointed police judge of said town, and shall be and act as such police judge from the date of the approval of this act until said first election the first Saturday in July, 1889, and until his successor is qualified. At the said election to be held on the first Saturday in July, 1889, as hereinbefore specified, and every two years thereafter, shall be elected a marshal for said town, who shall hold his office for two years, and until his successor is qualified. Warrie Craig is hereby appointed marshal of said town, and shall be and act as said marshal from the day this act is approved until the said first Satur-

Election of town officers, when and how held.

day in July, 1889, and until his successor is elected and qualified.

Jurisdiction of
police judge.

§ 24. The jurisdiction of the police judge in civil actions and proceedings shall be concurrent with that of a justice of the peace in the limits of said town. For a violation of the by-laws or ordinances of said town, and in felonies and misdemeanors, his jurisdiction shall be as prescribed by the Criminal Code of Practice.

Fines and or-
feitures

§ 25. All fines and forfeitures for the violation of the by-laws or ordinances of said town shall be paid into the town treasury.

Police court.

§ 26. That the police court shall be a court of record, and the judge thereof shall act as clerk, and certified copies of the records of said court shall be evidence in any court in this Commonwealth.

Jurisdiction of
Police court.

§ 27. That the police court shall have concurrent and original jurisdiction with the justices of the peace in Hopkins county in the justices' district in which the town of Hanson is situated, in all civil cases and proceedings. And the time of holding said court for the transaction of civil business shall be as follows, viz: The first Saturday in the months of February, May, August and November, and each term may continue as many days as may be necessary to transact all the business docketed to that term.

Fees of police
judge.

§ 28. Fees of said judge, whether acting as said judge, clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, and in the same way, and under the same regulations as in courts having similar jurisdiction.

Marshal must
attend upon
police court.

§ 29. That it shall be the duty of the marshal to attend all sessions of the police court, and attend to the procuring of evidence in cases in which the town or board of trustees is a party, in all matters of a criminal nature, arising under the laws or ordinances of

the town or the laws of this Commonwealth. He shall possess all the power and authority of a constable under the statutes of this Commonwealth, and his powers for discharging his said duties shall be co-extensive with the justices' district in which the town of Hanson is situated. He shall be entitled, as compensation, to the same fees allowed by law to constables and sheriffs, and his fee bills shall be collectable in the same manner as the fees of said officers. He shall be entitled to such other fees or compensation as the board of trustees may direct by law or ordinance. He shall be liable in the same cases, way and manner, and to the same extent, sheriffs and constables now are.

§ 30. That the police judge and marshal shall severally, before they enter upon the duties of their respective offices, execute a covenant, payable to the Commonwealth of Kentucky, with such sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property as may come to their hands as such officers respectively, which bond, with the approval of the board of trustees, shall be filed and carefully kept in the office of the clerk of the Hopkins county court, and shall also take the oath of office required by the Constitution.

§ 31. That the board of trustees of Hanson, or any person injured by the breach of either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against said officer, by whose breach of duty they have been injured, and his sureties or either of them, or the personal representatives, heirs or devisees of any of them, as now provided by law for sheriffs and constables; and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of Hanson and

Bond of police
judge and mar-
shall.

Remedy for
breach of bonds
of police judge
and marshal.

every person aggrieved by the acts or omissions of such officers shall have been recompensed.

Qualification of voters.

§ 32. All male citizens of said town who shall be over twenty-one years of age, and entitled to vote for Representative, shall be entitled to vote for trustees and other officers hereinbefore named: *Provided, however,* That before any person shall be qualified to vote, he must have paid all taxes and fines which may be due from him to the town.

Vacancies, how filled.

§ 33. All vacancies that may occur before or after an election, in either of the offices of trustee, police judge, or town marshal, may be filled by a majority of the board in office, and the person thus appointed shall remain in office until the succeeding election for said office and until his successor is qualified.

Elections, who conducted by.

§ 34. All elections of officers under this act shall be conducted by the clerk of the board, or some one appointed by the board to hold said election, whose duty it shall be to give one week's written notice of each election, posted at three public places in said town. He shall, after each election, give to each officer a certificate of his election, who shall thereupon take the oath for such officer as prescribed by this act.

Persons guilty of violation of ordinances, how and where confined.

§ 35. Any person sentenced to confinement or imprisonment for a violation of any of the ordinances of the town shall be committed to the jail of Hopkins county, to remain during the period of his sentence. Any person who shall be convicted of the violation of any of the by-laws or ordinances of said town, and against whom a fine is imposed, and who shall fail to pay or replevy the fine and costs, shall be committed to the jail of Hopkins county, to remain in confinement until the fine and all costs shall be discharged, and his imprisonment shall be at the rate of two dollars a day until the fine and costs be satisfied.

Prisoners may be worked on streets

§ 36. It shall be lawful for the board of trustees of said town to hire out to labor, or to have worked upon any street, alley, public work or improvement, any or all the prisoners who shall be committed to

the jail of Hopkins county, either under sentence of imprisonment or by virtue of a *capias pro fine*. The times for which they are hired or worked shall in no case exceed their terms of imprisonment. The board of trustees shall adopt rules for hiring and working prisoners under the provisions of this act. All money realized from their labor shall be paid to the town treasurer, and accounted for by him on his official bond.

§ 37. All the provisions of the act to which this is Repeal of all of former act in conflict herewith. an amendment in conflict herewith are hereby repealed, but all the provisions of said act which are not in conflict herewith are retained in full force.

§ 38. The said board of trustees are authorized and Work-house. empowered to erect a work-house within the limits of the said town of Hanson, and they may make regulations for the government thereof, and for the discipline of all prisoners confined therein. They shall have power to acquire, by purchase or condemnation, the necessary real estate upon which to construct said work-house, not exceeding two acres, which shall be situated within the limits of said town: *Provided*, That no real estate shall be taken without paying to the owner a just and full compensation if such payment be required. If the amount of compensation can not be agreed upon, the board of trustees may condemn the same, as provided by this act for the condemnation of land to be used by said board for streets and alleys. After the erection of said work-house, it shall be lawful for the police judge of said town to commit and confine therein any or all persons who have been convicted of the violation of any of the by-laws or ordinances of said town.

§ 39. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 93.

AN ACT to incorporate the Floyd and Chestnut Street Church of Christ, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. H. Snyder, P. Galt Miller, W. T. Owen, present trustees of said church, and their successors in office, and the officers and members of said church, be, and they are hereby, created a body-politic and corporate, by the name and style of the Floyd and Chestnut Street Church of Christ, at Louisville, and by that name to have perpetual succession ; and may purchase, take by devise, bequest, gift or deed, any real or personal estate or property, not exceeding one hundred thousand dollars in value, and the same to hold for the only use and benefit of said church, according to the discipline and economy of the same ; and sell, mortgage, lease, convey, or otherwise dispose of the same ; and to sell, mortgage, lease, convey, or otherwise dispose of the property now owned by said church, or any part thereof, and to have and exercise all the powers necessary for, and incident to religious corporations not inconsistent with the Constitution and laws of the United States or the State of Kentucky ; and in that name to contract and be contracted with, sue and be sued, plead and be impleaded, so far as it may be necessary to protect the property, rights, titles, privileges, and immunities of said church, and to use and employ said property for the use and purpose of carrying out the religious interest of said church ; and may employ counsel, servants, agents, and workmen, as occasion may require.

§ 2. That said trustees and their successors may borrow money for the use of the church, and secure the payment of the same by mortgage on any property now owned, or that may be hereafter owned by the said church, and may pay off. or by mortgage

secure the payment of any existing debt now due from said church; and may erect new buildings, or repair the present buildings; but they are not to borrow money, execute any mortgage or conveyance of church property, or erect any building until they have been authorized so to do by the vote of the majority of the congregation present at a regular meeting of the congregation, and after public notice has been given of the time and place when and where such vote is to be taken; and the result of such vote shall be entered upon the records of the church.

Congregation
must vote.

§ 3. All conveyances, mortgages, leases, bills of sale or written contracts must be made and signed by the trustees for the time being, or by a majority of said trustees; and all instruments so authorized and signed for the use and benefit of said church shall be binding on said corporation.

Conveyances,
how made.

§ 4. Said R. H. Snyder, P. Galt Miller and W. T. Owen are hereby appointed trustees of said church, to continue in office until their successors are duly appointed by the church.

Trustees.

§ 5. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 94.

AN ACT to incorporate the Paducah Belt Railway and Levee Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a body-politic and corporate, under the name and style of the Paducah Belt Railway Company; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and implead, answer and defend, in any and all courts and places as a natural person. Said company may also

Corporate
powers.

have and use a common seal, and may alter and change the same at will ; and it shall have all other lawful powers usual and incidental to railroad corporations in this Commonwealth, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Names of incor-
porators.

§ 2. That Hugh Mulhalland, Murray Kellar, Henry Burnett, T. H. Puryear, Charles Reed, J. M. Bigger, T. H. Hays, J. W. Harrison, Charles Kreamer, M. Weil and T. L. Glenn, or such of them as may choose to act, are hereby constituted and appointed incorporators to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions as they may deem proper.

Capital stock.

§ 3. The capital stock of said company may be an amount not exceeding one million of dollars, necessary for the construction and equipment of said railway and building levees, and the same shall be divided into shares of (\$100) one hundred dollars each, and may be purchased, owned and controlled by companies, corporations or individuals.

Election of board
of directors.

§ 4. Whenever subscriptions of stock to the amount of or value of (\$20,000) twenty thousand dollars shall have been made to the capital stock of said company, the incorporators herein appointed, who may have acted in opening books for subscription, shall give at least ten days' notice thereof in one or more newspapers published in Paducah, Kentucky, and notifying the subscribers to assemble at some convenient time and place for the purpose of electing a board of directors for said company, which board of directors shall consist of five members. No stockholder who shall not have paid five dollars, on each share of stock subscribed for by him, shall be permitted to vote at said election, nor shall be eligible as director. Said board shall then, from its number, elect a president and vice-president. Said directors shall hold their positions for one year, or until their successors

are elected and qualified ; and all elections of directors shall be held annually on the third Tuesday in January.

§ 5. That no person shall be qualified to hold the office of president or director who does not, at the time of his election, own in his own name at least five shares of the capital stock of said company.

Qualifications of president and director.

§ 6. After the organization of said company by the election of a board of directors and president as aforesaid, the management and control of the property and business affairs of the company shall pass and be committed to said president and directors, and to their successors in office and assigns ; and until such organization is effected, the control of the property and business affairs of said company shall be and remain in the control of the incorporators or commissioners named in the second section hereof. ,

Control of business, by whom.

§ 7. The president and directors of said company may, from time to time, enact and put into force such by-laws, rules and regulations for conducting, managing, and governing the property and business affairs of said company as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky, and may alter, amend and repeal the same at will. They may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and two or more directors ; and said committee may, when the board is not in session, exercise all the rights and powers vested in the president and board of directors, except where it has otherwise been provided by law. Said board of directors shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred.

Directors may enact by-laws.

§ 8. That the president and directors of the said Paducah Belt Railway and Levee Company are hereby

Rights and object of incorporators.

invested with all the powers, rights, franchises, and authority requisite and necessary to construct a railway, narrow or wide gauge, with double or single track, turn-outs, and switches, with a line of telegraph, from a point on the right of way of the Chesapeake, Ohio and Southwestern Railroad Company, or any other railroad company, either south of Island creek; thence to a point on or near the Tennessee or Ohio rivers, and thence crossing Island creek, and along the river front of the city of Paducah; and thence out from the said river front, circling around said city, to the said Chesapeake, Ohio and Southwestern Railroad Company right of way, and the Ohio river or Tennessee river, so as to connect with any railroad now being operated, on which may hereafter be constructed and operated in the said city of Paducah, and to make connection and running arrangements with any and all such railroad companies, and contract with any and all such railroad to carry freight and passengers on its said line or lines, and may in like manner extend its tracks to, and connect with, any warehouse or warehouses, depot or depots, saw-mill or saw-mills, flouring-mill or flouring-mills, and any other mill or mills, or manufacturing establishment or establishments in the city of Paducah, upon such terms and conditions as may be agreed on, and may contract with all said warehouses, mills and manufactories to carry freight, material and passengers upon terms to be agreed on; and said company may construct in like manner a line of road on the Ohio and Tennessee rivers, the entire length of the corporate limits of said city, and may levee the lots on the Ohio and Tennessee rivers, when the same are below high-water mark, so as to make the same above high-water mark, and may purchase and own all said lots, on such terms and conditions as may be agreed on; and may work on and improve the river front of the city of Paducah, so as to protect same from being worn away by the waters of the

Tennessee and Ohio rivers, and to that end may build a levee or levees in front of the city of Paducah: *Provided*, That said company shall not construct its line of railway along or across any street of the city of Paducah without the consent of the council of the said city: *And provided further*, That nothing in this section shall be construed as interfering or in any manner impairing the right of the city of Paducah in, to, or concerning the wharf, as at present constituted, or to its establishment of other wharves in front of said city, under its charter: *And provided further*, That said company shall not own or hold any lots or lands other than such as may be necessary for the construction and operation of the road as contemplated by this act; and all such lots or lands as may be owned or held by said company, not for immediate and actual use of said company, shall be sold by said company, absolutely, at or before the expiration of five years.

§ 9. That it shall be lawful for the president and directors of said company to keep open the books for subscription to the capital stock of said company until the whole of said stock is subscribed, and that they may receive subscriptions to said stock payable in contracts to build any part or parts of said road or levee, or any bridge or bridges, trestle or trestles on the same, or to perform any work, or to furnish any material which may be necessary or desirable for the construction or equipment of said road or levees.

§ 10. That when said company shall be unable to agree with the owner or owners of land or other real estate or improvements which may be desired or required for the purposes of said company for the purchase or use of same, or if said owner or owners, or any of them, labor under any legal disabilities to prevent them from contracting with said company or its authorized agents, or if such owner or owners be non-residents of the county of McCracken or State of

Books for subscription, how long may be kept open.

Condemnation of property for right of way.

Kentucky, the said Paducah Belt Railway and Levee Company is hereby authorized to proceed to condemn such land, real estate or improvements, which, in its judgment, may be required for the business of said company, as is provided by the Statutes of Kentucky in the act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11, 1882.

Rates for transportation.

§ 11. That said company may, when a sufficient portion of said road is completed to justify the running of trains as common carriers, charge such rates for the transportation of freights and passengers as they may deem proper: *Provided*, Said rate shall not be in excess of what other roads are allowed by law to charge: *Provided*, The rates of freight charged shall not exceed the rates now being charged by other railroads operating in this State, or that may be regulated by law hereafter.

Running arrangements with other roads.

§ 12. That it shall be lawful for said Paducah Belt Railway and Levee Company to make all needful running arrangements with any railroad company with whom they may connect, upon such terms and conditions as may be agreed upon by the said railway company and any other railroad company they may connect with.

May lease to or consolidate with other companies.

§ 13. That it shall be lawful, and the president and board of directors of said Paducah Belt Railway and Levee Company are hereby empowered, to sell, lease, or consolidate said railway to any railroad company with whom they may connect, upon such terms and conditions as may be equitable to the stockholders of said company: *Provided*, That a majority of the stockholders being present, either by person or proxy, consent thereto.

Private property exempt from corporate debts.

§ 14. That the private property of the stockholders of the corporation shall be exempt from corporate debts.

§ 15. That said company shall commence work on

said road within two years, and complete the same within five years from date of the passage of this act.

§ 16. This act shall take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 95.

AN ACT for the benefit of common school district No. 66, of Ballard county.

WHEREAS, During the school year ending June 30, 1887, W. W. Morris, a professional and well qualified teacher, taught the common school in district No. 66, in Ballard county, two months under a county teachers' certificate, when it expired; and then taught the remainder of the term (three months) under a certificate of qualification for candidacy as county superintendent of common schools, presuming it legal; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of J. M. Dodson, county superintendent of Ballard county, for the sum of fifty-nine dollars and fifty-two cents (\$59.52), amount refunded the Treasury on account of said district, and said J. M. Dodson is hereby directed to pay same to W. W. Morris.

§ 2. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 96.

AN ACT relating to the working of public roads in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Working roads § 1. That any person working on any public road in Washington county that he may be legally required to work under the direction or at the summons of the surveyor of said road, shall be paid at the rate of
Compensation. seventy-five cents per day for each day he so labors, and ten hours shall constitute a day's work in the meaning of this act.

Team. § 2. Any person who furnishes a team, wagon, plow, or scraper to be used in repairing said roads shall be paid at the following rate, viz: For two-horse team and driver to plow, wagon, or scraper, twenty cents per hour; for three-horse team and driver to imple-
Compensation. ments as above, twenty-five cents per hour; for four-horse team and driver to implements as above, thirty cents per hour.

Duty of court of § 3. It shall be the duty of the court of claims of the said county, at its regular annual term, to levy a tax not exceeding ten cents on each one hundred dollars' worth of taxable property in said county, and a poll-tax of fifty cents on each tithe, and the revenue arising from said tax shall be applied toward the
Powers. payment of the above-mentioned road claims. The said court shall also have the power to re-list the delinquent tax list of the said county each year, and apply the proceeds derived therefrom to the payment of said road claims.

Sheriff collect. § 4. It shall be the duty of the sheriff of said county to collect said road tax at the same time and by the same means that he collects other taxes due said county, and to account for them in the same way; and to enable him to collect the same, he shall

have the power to distrain, as he is authorized in collecting the State revenue.

§ 5. It shall be the duty of all surveyors of public Surveyors. roads in the said county to submit to the court of claims, at its regular annual meeting, a list properly subscribed and sworn to of the names of all the hands who have worked upon their respective roads during the twelve months next preceding said term of court, and the number of hours of labor performed by each, and also the name of all persons furnishing teams and implements, and the number of hours each was employed; and the said court shall allow the said claims to be paid as other claims against the said county are paid; and any surveyor who shall make an untrue report of said work shall be guilty of a misdemeanor, and on conviction shall be fined any sum, in the discretion of the jury trying the case, not exceeding one hundred dollars. The fines collected under this act shall be applied to the payment of Fines. claims allowed for the working of such roads as herein provided.

§ 6. The sheriff shall not pay out any money for the benefit of any person on the said road claims until all taxes due from said person for the year in which the labor was performed, and the year next preceding said year, are paid. Sheriff not pay delinquents.

§ 7. All acts or parts of acts in conflict herewith are hereby repealed.

§ 8. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 97.

AN ACT to authorize the commissioners of the sinking fund of Garrard county to issue certain bonds, and fix the time of paying them off.

WHEREAS, Garrard county was indebted in the sum of about one hundred and fifty thousand dollars in

bonds, that became due on July 1, 1887, and July 1, 1892, and has only about seventy-five thousand dollars in taxes and funds collected with which to pay said indebtedness; and whereas, there has been a sinking fund created, and commissioners thereof appointed, by an act approved December 17, 1869, entitled "An act to create a sinking fund and provide means to pay the interest and principal of the railroad bonds of said county;" now, therefore, for the purpose of enabling Garrard county to pay off her outstanding bonds as they become due, and the indebtedness of said county on said bonds that are now due,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioners of the sinking fund of Garrard county, Kentucky, be, and they are hereby, authorized and empowered to issue bonds of Garrard county for a sufficient sum to pay the balance of the indebtedness of Garrard county, caused by the bonds heretofore issued, and that became due July 1, 1887, not to exceed thirty thousand dollars in the aggregate.

§ 2. Said bonds shall be issued in such denominations as the commissioners of the sinking fund may in their discretion think best, to bear interest at the rate of six per cent. per annum, payable semi-annually on the first day of January and July of each year, after the issual of each of said bonds, at the National Bank of Lancaster, Kentucky. --

§ 3. Said bonds shall be issued to become due as follows, to wit: One-fourth of the aggregate amount on the first day of January, 1889; one-fourth on January first, 1890; one-fourth on January first, 1891, and one fourth on January first, 1893, and payable at the National Bank of Lancaster, Kentucky.

§ 4. That said bonds shall be signed by the presiding judge of the Garrard county court, who shall sign same when requested by the commissioners, and counter-

signed by the clerk of said court, and to have coupons attached, signed by the said clerk, for the payment of the semi-annual interest as the same may become due.

§ 5. That said bonds shall be sold by the commissioners of the Garrard county sinking fund, publicly or privately, as they deem best; but they shall not sell said bonds for less than their par value, unless by consent and direction of the Garrard county court, a majority of the justices in commission being present.

§ 6. That the Garrard county court, a majority of the justices being present, is directed and empowered to make annually an *ad valorem* levy for the payment of the interest on said bonds, and principal of said bonds as they become due, on all the property in said county subject to State and county revenue.

§ 7. This act shall take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 98.

AN ACT to authorize Bell county to issue fifteen thousand dollars bridge bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of raising money to pay for the building of two bridges, one across Cumberland river and Straight creek, as is set forth in an order of the Bell county court, passed at its November term, 1887, the county court of Bell county is hereby authorized to issue the bonds of said county, not to exceed the aggregate sum of fifteen thousand dollars, of such denominations, as may be proper, but not less than one hundred dollars nor more than one thousand dollars each, to be executed in printed or written form, under the seal of the county court, and signed by the presiding judge of the court and coun-

tersigned by the clerk, payable not under five years and within fifteen years, at the pleasure of the court, at a rate of interest not to exceed six per cent. per annum, with annual coupons, to be sold for said purpose, and known as the bridge bonds of said county.

§ 2. That Wm. Bingham, John Goodwin, and J. W. Johnson, who have been appointed a building committee for the bridges set forth in the order of the county court, shall superintend the selling of said bonds for the purpose above mentioned. That said committee, before they sell said bonds and receive any money thereon, shall first execute bond, to be approved by the Bell county court, for the faithful performance of said trust; and said committee are hereby authorized to settle the location of said bridges and pay the contractors, and report their acts as such to the Bell county court: *Provided, however,* That said bonds shall not be disposed of by said commissioners, or their successors, for less than their par value; and the county court of said county is hereby authorized to provide, as it may see proper, for the payment of said bonds and the interest thereon, by levying an ad valorem tax, not exceeding twenty-five cents annually on the one hundred dollars' worth of taxable property in said county.

§ 3. This act to take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 99.

AN ACT to authorize and empower the county court of Hart county, Kentucky, to have the list of claims allowed by the annual levying court in said county published in handbill form, when said court can not make a contract it may deem reasonable and fair with some newspaper published in the county, for the publication of said list.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hart county be, and

it is hereby, authorized and empowered to have the list of all claims allowed by the annual levy-laying court for said county published in handbill form, when a contract for publishing same can not be made by said court with a newspaper published in Hart county on such terms as said court may deem fair and reasonable.

§ 2. That the provisions of section 2, article 2, chapter 27, of the General Statutes, in so far as it conflicts with section 1 hereof, and all other laws in conflict with said section 1 hereof, in so far as they apply to and regulate the publication of claims allowed by the annual levy-laying court of Hart county, be, and the same are hereby, repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved February 18, 1888.

CHAPTER 100.

AN ACT to allow the Graves county court to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Graves county, a majority of the justices of the peace therein concurring, shall have power to levy an ad valorem tax of not exceeding ten cents in any one year, on each one hundred dollars' worth of taxable property of said county, for ordinary county purposes. That the revenue derived under this act be first applied to the payment of the floating debt of said county.

§ 2. That the county court of said county is authorized to meet at any time after the passage of this act, not later than the April term of the court of claims of said county, to make said levy for the year 1888, and for subsequent years said levy shall be made at

the October term of the court of claims of said county, preceding the year for which the levy is made.

§ 3. That the sheriff of said county shall collect said tax, and he and his sureties shall be liable therefor on his county levy bond. He shall account for and pay over said tax at the same time, and in the same manner, that he is required by law to account for and pay over the county levy, and for his services in collecting said tax he shall receive five per cent. commission on the amount of tax so collected.

§ 4. That this act shall take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 101.

AN ACT to enforce an act, approved January 30th, 1888, entitled "An act to amend the act, approved December 7th, 1850, entitled 'An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved January 30, 1888, entitled "An act to amend an act, approved March 7, 1876, entitled 'An act to amend the act approved 7th December, 1850, entitled 'An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington,''" shall take effect and be in force from the passage of this act.

§ 2. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 102.

AN ACT to repeal an act, entitled "An act to permit Garrard county to issue certain bonds."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to permit Garrard county to issue certain bonds," approved March 8, 1886, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 18, 1888.

CHAPTER 104.

AN ACT to incorporate the Globe Hemp Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. D. Sayre, Wm. Tarr, W. C. Goodloe, Incorporators. D. Swigert, Leslie Combs, L. Brodhead, A. J. Alexander, E. N. Norwood, their associates and successors, be, and they hereby are, created a body-politic and corporate, under the name of the Globe Hemp Company, and are made capable of contracting and being contracted with; and by the said name are made capable in law to sue and be sued, to plead and be impleaded, in any court in this Commonwealth or elsewhere; and to adopt, amend and put in operation by-laws for the government of the said corporation not inconsistent with this charter nor the Constitution of the United States nor the laws and Constitution of this State.

§ 2. The capital stock of the said corporation shall Capital stock. consist of one hundred thousand dollars in shares of one hundred dollars each; and the said corporation is authorized and empowered to purchase patent rights or other property with said shares, or to sell the said shares at or below the par value thereof,

and to give a complete title thereto; the above named incorporators, or a majority of them, may meet at any time after the passage of this act and organize the said corporation by the election of six directors, and the said directors shall elect from their number such officers as may be necessary to conduct and manage the business of the corporation, and may require them to execute bonds for the faithful performance of their duties; the said officers and directors to hold their offices for one year and until their successors are duly qualified and elected. Upon all questions upon which the stockholders have a right to vote they shall be entitled to one vote for each share of stock held by them, and they may authorize their votes to be cast by proxy. The forms of the certificates of stock and the manner of the transfer thereof shall be fixed by the directors.

Purpose of corporation.

§ 3. The purpose for which the said corporation is created is the decortication, refining and manufacture of hemp or other textiles, and dealing therein; and in the furtherance of the said purpose it is authorized to acquire patent rights, erect and manufacture machinery, purchase, acquire and hold machinery and plant of any kind, real property and any other kind of property that shall be necessary for the carrying on of the said business of refining, decortivating, working and manufacturing of hemp or other textiles, or dealing therein; and they are further authorized to sell and dispose of any of the aforesaid property in the conduct of their business as may be necessary to the conduct thereof.

Increase capital stock.

§ 4. The capital stock of the said corporation may be increased at any time, by a two-thirds vote of all the stock of the corporation then owned and held by the stockholders thereof, to any sum not exceeding one million dollars.

§ 5. This act shall take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 105.

AN ACT concerning children under sixteen years of age in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any child actually or apparently under the age of sixteen years, who is found—1. Begging or receiving, or soliciting alms in any manner, or under any pretense; or, 2. Not having any home or other place of abode, or not having any proper guardianship, or who has been abandoned or improperly exposed or habitually neglected by its parents or other person having it in charge, or who is in a state of want or of suffering, caused by the lack of the necessities of life; or, 3. Destitute of means of support, being an orphan, or living with or in custody of a parent or guardian who is habitually idle, or who is dissolute in habit and without visible means of support, or who has been convicted of a crime against the person of such child; 4. Or coming within any of the descriptions of children mentioned in section 2 of this act, must be arrested and brought before the city court of Louisville as a vagrant or destitute child. Such court may commit the child to any charitable reformatory or other institution authorized to take charge of minors, or may make any disposition of the child, such as now is, or as hereafter may be, authorized in the cases of vagrants, paupers, or disorderly persons: *Provided, however,* As far as practicable, the wishes of the parent or statutory guardian of said minor may be gratified in selecting the said charitable reformatory or other institution for such infants as are described herein. The parent, custodian, guardian, or controller, if he or she can be found within a reasonable time, shall be notified by rule, subpoena, or other process, of the proceedings provided for herein; but a failure to give such notice shall not deprive the court of juris-

diction in the premises. No commitment of a child, which shall recite therein the facts upon which it is based, shall be deemed invalid by reason of any neglect or omission of the court, by whom such commitment is made, to file documents, papers, or proceedings relative thereto, but the clerk of said court shall, in a separate book, styled "Infant Vagrants," keep a duly indexed record, showing, as far as possible, the name, age, sex, residence, nationality, denomination, parentage, and condition of said infants, and the institution to which they are sent.

§ 2. A person who employs or causes to be employed, or who exhibits, uses, or has in his custody for the purpose of exhibiting or employing, any child apparently or actually under the age of sixteen years, or any person who, having the care, custody, or control of such a child as parent, relative, guardian, employer, or otherwise, sells, lets out, gives away, or in any way procures or consents to the employment or exhibition of such a child, either—1. In begging or receiving alms or in any mendicant occupation; 2. Or being a female, in peddling or in any wandering occupation; 3. Or either male or female in any indecent or immoral occupation or practice; or, 4. In any practice or exhibition dangerous to the life, limb, health, or morals of the child, is guilty of a misdemeanor, and shall be fined not more than twenty dollars, and may be confined in the work-house of the city of Louisville not more than ninety days, either or both, within the discretion of the court.

§ 3. A police officer or constable must, and any agent or officer of an incorporated charity organization, society, or society for the prevention of cruelty to children or animals, may arrest and bring before the Louisville city court any person offending against any of the provisions of this act, or any minor coming within any of the descriptions of the children mentioned in section 1 or in section 2 of this act. Such police officer, constable or agent may interfere

to prevent the perpetration in his presence of any act forbidden by this act. A person who obstructs or interferes with any officer or agent of such society in the exercise of his authority under this act is guilty of a misdemeanor, and shall be fined not more than twenty dollars, and be confined in the city work-house not more than ninety days, either or both, within the discretion of the court.

§ 4. Officers and agents of any charity organization or charitable society, and officers and agents of any society for the prevention of cruelty to children or animals, shall have the same right, power and duties as regular policemen and other peace officers for the enforcement of the provisions of this act.

§ 5. This act shall apply to the city of Louisville only, and shall be in force from and after its passage.

Approved February 13, 1888.

CHAPTER 106.

AN ACT to incorporate the Somerset Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of dis- Bank established
count and deposit in the town of Somerset, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as is hereinafter provided, and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Somerset Banking Company," and shall have all the rights and privileges of a natural person in contracting and being contracted with, of suing and being sued, and of impleading, answering and defending, in all courts and places whatever. Said bank may adopt a common seal, and change same at pleasure.

§ 2. That said bank shall be under the control and management of five directors, who shall be stockholders residing in this State, and *bona fide* owners of at least ten shares of stock in said bank. They shall hold their offices until their successors are elected and qualified, and after the first election shall be elected on the second Tuesday in January of each year, or as soon thereafter as is practically convenient; and in case of a vacancy, the remaining directors shall have power to appoint a qualified stockholder to fill it. The directors shall elect one of their number as president, who shall preside at their meetings, and perform such other duties as may be assigned him by this charter and their by-laws. The directors shall have power to declare dividends of the profits arising out of the business of the bank; to appoint such officers, agents and employes as they may deem necessary to conduct the business of the bank, and pay them for their services; to take from the president, cashier, and other employes such bonds as they may deem proper and reasonable, and to make such by-laws as they deem necessary for the proper management of the affairs of said bank: *Provided*, The same be not inconsistent with the laws of this State and of the United States. The directors shall have further power to increase the capital stock of said bank from time to time, to any sum not exceeding one hundred and twenty-five thousand dollars, and may provide for the disposition of the shares created by increasing the capital stock.

Directors.

Time of election.

President.

May appoint officers and agents.

Increase capital stock.

Stock declared personal property.

§ 3. The stock of said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, or his attorney, under such rules and regulations as the directors shall establish; but the corporation shall have a lien on the stock to secure any indebtedness due the bank by the stockholder for any unpaid balance on said stock. The private property of said stockholders

shall be exempt from the debts of said corporation, except to the amount of unpaid subscription to stock in said bank.

§ 4. That John H. McHargue, Geo. P. Sallee, Geo. W. Wait, H. F. McBeath, and A. J. Crawford, are hereby appointed commissioners, any three of whom, after giving notice to the others, may open books in the city of Somerset, and receive subscriptions for stock in said bank; and when all of said capital stock shall be subscribed, it shall be their duty to give notice to the stockholders, and appoint time and place for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment of the stock subscribed shall be as follows, viz: twenty-five dollars on each share immediately upon the election of a board of directors, and the remainder at such times and in such amounts as the directors may require: *Provided*, That no call shall be for more than twenty dollars on each share, and shall not be at a shorter notice than twenty days; but any stockholder may pay in advance of calls of the directors; and said bank may begin business as soon as twelve thousand five hundred dollars of said stock is paid in.

§ 5. Said bank may receive deposits of gold and silver coins, bank notes, and other notes which may be lawfully circulated as money, and repay same in such manner, at such time, and with such rate of interest as may be agreed upon with depositors by special or general contract; may loan money, discount promissory notes and bills of exchange; may buy and sell gold and silver coin, exchange, stocks or other securities, and all other evidences of indebtedness, and may do a general banking business, except that it shall not have power to issue notes of its own. The promissory notes and bills made negotiable and payable at its banking house, or at any other banking house, when discounted by this bank, shall be, and they are hereby, put upon the same footing of foreign

Commissioners
appointed.

Books opened.

Publication.

How subscrip-
tions are to be
paid.

May receive de-
posits

Notes made as
foreign bills of
exchange.

bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, makers and indorsers. The said bank shall have the power to make advances on approved securities, upon agricultural products, including growing crops. It may receive in pledge or as security for money loaned or for debts owing it, bonds, stocks, produce and United States vouchers, certificates, or bonds of indebtedness, or the bonds of this or any other city or county or company incorporated by the United States or any State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceeding.

Loan money and
make advance-
ments.

§ 6. Said bank may receive deposits from minors and married women, and the checks, receipts and acquittances of said minors and married women shall be valid.

Receive deposits
from minors and
women.

§ 7. That said bank may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or to further the objects of its creation, or which may be conveyed to it as surety for any debt or purchased to aid in the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold such real estate longer than five years. Said bank shall have power to sell and convey such property owned or acquired by it.

Must dispose of
real estate.

§ 8. This act shall take effect from its passage, and the bank hereby created shall exist under this charter for the term of thirty years.

Approved February 13, 1888.

CHAPTER 107.

AN ACT to authorize the county court of Graves county to issue bonds for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Graves county court, when a majority of the justices in commission are present, shall have the power to issue the bonds of said county for any sum, not exceeding fifty thousand dollars, for the purpose of building and furnishing a court-house and jail in the city of Mayfield, in said county, and of erecting a substantial fence around the public square in said city, payable at any time, not exceeding twelve years from the issual thereof, bearing interest at a rate not exceeding six per cent. per annum from date, either with or without coupons attached for the interest thereon: *Provided*, That the county court aforesaid shall have the right to pay off any portion or all of said bonds at any time previous to their maturity, if, in the judgment of said court, it should be deemed proper to do so. Issue bonds for certain purposes.

§ 2. That the bonds aforesaid shall be of the denomination of not less than one hundred dollars, nor more than one thousand dollars each; the bonds shall be dated, and indorsed by the county judge and county court clerk, in their official capacity, with the seal of the county affixed thereto, and when so indorsed and sold, shall be valid and binding on said county. Denomination of bonds.

§ 3. That the said county court, whenever it may see fit to redeem or pay off any of said bonds before maturity thereof, as provided in the first section of this act, shall issue a call for the same, describing them by their serial numbers, notice of which shall be published in a newspaper in the county at least four weeks—one publication each week—and the said Redeem bonds. Publication.

dissolved by a majority in interest of the stockholders therein, and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer and defend in any court or place whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of seven directors, who shall be stockholders residing in the State of Kentucky, who shall hold their offices until their successors are elected and have qualified; and after the first election under this charter, they shall be elected annually on the first Wednesday in July of each year, or as soon as practicable thereafter; and in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders possessing the qualifications hereinbefore named. They shall elect one of their number president. They shall have the power to sell any of the stock; to declare dividends arising out of the profits of the business of said bank; to appoint such officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay them for their services; and may take from the president, cashier, or other employes of said bank, such bonds as they may deem necessary to insure a faithful performance of their respective duties; and may make and enforce such by-laws as may be necessary for their proper management and control of the affairs of said bank: *Provided*, the same be not inconsistent with the Constitution or laws of this State or of the United States.

Board of directors. Time of election. President. Powers of board. Take bonds from agents. Make by-laws.

§ 3. That R. M. Ferrell, W. Mayo Connally, James Hatcher, A. J. Auxier, C. M. Parsons, A. J. Hatcher and H. Williamson are hereby constituted and appointed a board of directors for said bank, to hold office as such till their successors are elected and qualified; and they may fill any vacancy occasioned in their number, and shall provide for an election of

Directors appointed. Order election.

directors by the stockholders within one year from the date of organization of the bank. The directors Publication. aforesaid shall cause due and proper notice to be given to all the stockholders, by publication in some newspaper printed in Pikeville, or by written or printed notices through the mails of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock Stock voted. owned by him, and on which he has paid in full the called installments due at the date of said election.

§ 4. The board of directors, as named in section 3 May open books for subscriptions. of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than twenty-five dollars per share, that may be paid in by said subscribers, at or after the time of making said subscription, and before the organization of the bank; and as soon as one hundred shares of When organize. said stock shall have been subscribed for, they may organize said bank by electing a president and vice-president, and appointing a cashier, and may begin business as soon as ten thousand dollars of the capital stock has been paid in: *Provided*, That the said president and cashier shall first go before the county judge, a justice of the peace, or a notary public, and make and subscribe to an oath that said ten thousand dollars of capital stock has actually been paid in.

§ 5. After the organization of said bank, the calls Payment of subscriptions. for payments of installments on the subscriptions of stocks shall not at any one time exceed ten dollars on each share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock on which any Forfeit subscriptions. called installment is at any time thirty days over due, may be declared forfeited by the board of directors after ten

days' notice, in writing, to the owner thereof of their intention to forfeit same: *Provided*, The same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or over-due installments to the bank and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given of the amount thereof.

Stock declared to be personal property.

Individual property not liable for corporate debts.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him. But when the said stock shall have been paid for in full, then no further liability shall attach to said stockholder in any event.

May receive deposits.

§ 7. Said bank, when organized, may receive deposits of gold and silver, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositors by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other evidences of debt; take personal, collateral or other security for the payment of the same, and dispose of such stocks, bonds, and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved the sixteenth of March, 1871; and all promissory notes payable in any incorporated bank in this Commonwealth, bills of exchange, or other papers which may be discounted by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy

Notes made as foreign bills of exchange.

may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto.

§ 8. Said bank may acquire, use, and hold such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of, or in payment of, any debt, judgment or decree, but must sell and convey the same within five years from the date of purchase; and may buy its own stock in satisfaction or payment of any such debt, judgment or decree, but must resell the same as soon as practicable.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 10. The president, cashier, and directors shall, ^{Oaths.} before they enter upon the duties of their respective offices, take an oath or affirmation that they will faithfully discharge the duties imposed upon them by this charter, or that may hereafter be required of them by an amendment or by-laws hereafter adopted.

§ 11. The president, cashier and clerks of said bank ^{Bonds.} will be required to execute such bond or bonds to said bank as her board of directors may require.

§ 12. The bank may, at any time after its organiza- ^{May increase capital stock.} tion, increase its capital stock to any amount not exceeding one hundred thousand dollars, by a majority vote of its stockholders.

§ 13. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 109.

AN ACT to amend an act, entitled "An act to incorporate Carr Institute," approved March 9, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Repealing parts of original act. § 1. That section 4 of the act to which this act is an amendment, to wit: "An act to incorporate Carr Institute, of Fulton county," approved March 9, 1882, and section 1 of an act amendatory of said act, approved March 17, 1884, be, and the same are hereby, repealed.

Board of trustees of said institute shall annually make an assessment of real and personal estate. § 2. That section 5 of said act, approved March 9, 1882, be amended, so as to read as follows: "The board of trustees of said Carr Institute shall annually, by some suitable person appointed by them, make an assessment of the real, personal and residuary estate and property within said school district, and are hereby authorized and empowered to levy a tax, not to exceed thirty cents on the one hundred dollars of taxable property in said district, subject to taxation by State law, for any one year, and a poll-tax, not to exceed two dollars, upon each white tithe in said district, for the purpose of enabling them to pay one-fourth of the indebtedness of said Institute, and the costs attending the assessment of property and collection of said tax, and a like levy each year thereafter, until the whole amount is paid, including accrued interest."

Levy a tax on each \$100.

Poll tax not exceed \$2.

Trustees make levy on 1st Monday of April in each year. § 3. That the board of trustees shall make said levy on the first Monday of the month of April in each year; and the said board of trustees shall, within one month after making said levy, select a suitable person to collect said tax; that said tax collector, before he enters upon the discharge of his duties, shall enter into covenant, with sufficient security, to be approved by said board, with the said Carr Institute, to faithfully discharge his duties as such, and

Select tax-collector.

Defining duties.

to pay over and account to said Carr Institute said taxes collected by him. He shall make settlements When make settlements. from time to time, whenever required by said board, and shall pay over, when collected, all such moneys to Carr Institute; and the compensation of said collector and assessor may be fixed by said board by resolution. Compensation of collector.

§ 4. That there shall annually be held an election of said trustees, at the same time and place as is held the election of town marshal of Fulton. Hold election..

§ 5. That said collector, in collecting said tax, is authorized to receive of the tax-payer, *pro tanto*, in payment of taxes, any receipt given to said tax-payer for taxes paid by the collector, collected under the provisions of said act, approved March 17, 1884, and A. B. Whayne, J. P. Tyler, E. B. Eddings, W. H. Beasley, A. A. Haines, A. J. Kirkland, F. M. Usher, E. D. Starks and J. W. Boyd are hereby declared trustees of said Carr Institute, who shall hold said offices until their successors are elected. Name of incorporators.

§ 6. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall be in force and effect from and after its passage.

Approved February 18, 1888.

CHAPTER 110.

AN ACT to amend an act, entitled "An act to charter the Deposit Bank of Glasgow," approved February 27, 1869; and also an act, entitled "An act to amend the charter of the Glasgow Deposit Bank," approved February 26, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the above named bank is hereby extended for the further period of twenty-five years from the expiration of its present charter; and from the passage of this act, all things pertaining to Extend charter.

said bank shall be the same as though the original charter extended to forty-five years instead of twenty years.

Oath of officers of bank. § 2. That all officers of said bank, before entering upon the discharge of their duties, and also at the beginning of each year of their services, shall take an oath to faithfully discharge all the duties of their respective offices according to law and the rules of the bank. The president of the bank shall administer said oath, and it shall only be done at a meeting of the board, a complete record of which shall be made in their proceedings.

Notice in newspaper for election of directors. § 3. The president of said bank shall cause to be inserted in the county newspaper a notice of the time and place of electing directors for said bank, at least ten days before the time for holding said election, and no other notice shall be required.

Time of holding election for directors. § 4. The election for board of directors of said bank shall be held on the first Monday in June of each year; and the president of said bank shall, on said day, select two stockholders in said bank to act as judges, and one to act as clerk of said election, each of whom shall be first sworn to conduct said election according to law; and they may take the votes of the stockholders at the same time upon any question of interest to said bank which may be submitted by order of said board. They shall perform said duties without compensation.

Board of directors shall select directors. § 5. The board of directors shall, at their first meeting, select one of their number president of said board, who shall have the same right to vote as any other director. The board may fill his place at any time a vacancy occurs.

§ 6. That section 2 of the original charter be amended by adding thereto the following word: "therefor."

§ 7. That section 5 of the original charter of this bank be amended by adding thereto the following words, viz: "*Provided*, That no real estate purchased

or conveyed to it in satisfaction of any debt, judgment or decree shall be held longer than five years."

§ 8. That sections 6 and 7 of said charter be, and they are hereby, repealed.

§ 9. All parts of the above named acts in conflict with this amendment are hereby repealed.

§ 10. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 111.

AN ACT to incorporate the People's Bank of Guthrie, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank in the town of Guthrie, Todd county, Kentucky, bearing the name of the People's Bank, which may begin business with a paid-up capital of ten thousand dollars, which may be increased as its business may justify to the amount of fifty thousand dollars. The capital shall be divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers or shareholders, their associates, successors and assigns, are created a body-politic and corporate, by the name and style of the People's Bank, and shall continue as such for a period of twenty-five years from the passage of this act. By that name it shall be empowered to make contracts, to sue and be sued, and plead, answer and defend in any court or place whatsoever; and may have and use a common seal and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of directors, consisting of not less than three nor more than five, who shall be stockholders, and a majority of whom shall be citizens of the Commonwealth, who shall hold their offices until their successors are elected and qualified; and after

Election of directors.

the first election under this charter they shall be annually elected on the first Monday in January, or as soon thereafter as practicable; and in case of vacancy the other directors may fill the same. They shall elect one of their number president, who shall hold his office at the pleasure of the board. They shall have the power to sell any of the stock not subscribed for, to declare dividends arising out of the profits of the business of the bank, to appoint such officers, agents and employes as may be necessary to properly conduct the business of the bank, and pay them for their services; and shall take such bonds from the president, cashier and other employes as they may deem necessary to secure the faithful performance of their duties; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank, not inconsistent with the Constitution and laws of this State and of the United States.

Bonds from officers.

Appointing commissioners.
Opening book for subscription to capital stock.

§ 3. A. F. Rogers, D. B. Smith, R. Lester and G. Terry are hereby appointed commissioners, any two of whom may act, who may open subscription books in the town of Guthrie, and receive subscription to the capital stock of said bank. When the amount upon which said commissioners, or a majority of them, shall deem it prudent to begin business shall have been subscribed, they shall call together the subscribers of said stock and proceed to hold an election of directors; who, when elected, shall serve until the January thereafter, and until their successors are elected and qualified. In said election, and in all elections and meetings of stockholders, each stockholder shall be entitled to cast as many votes as he may have shares of stock of record on the books of said bank. Votes may be cast in person or by proxy. The payment of the shares subscribed for shall be as follows: twenty-five dollars on each share in twenty days after subscribing, and twenty-five dollars in twenty days after the election of the first board of directors, and

the remainder in such amounts and at such times as the directors may require: *Provided*, That no call shall be made for a larger amount than twenty-five dollars per share, and a shorter notice than twenty days. Said commissioners shall appoint one of their number to receive and receipt for the paid-up subscription until the board of directors shall have been elected and organized, after which the cashier shall receive and receipt for them.

§ 4. The stock of the bank shall be deemed personal property, and shall be transferable only on the books of the bank. Every stockholder shall be individually liable for the full amount of unpaid stock subscribed for and owned by him, but when said stock shall have been fully paid for, no further liability shall attach to said stockholder in any event. Liability of stockholders.

§ 5. Said bank, when organized, may receive deposits of gold, silver, bank notes, and all other currency lawfully circulated as money, and repay the same on demand, or at such times as may be agreed upon by contract. It may transact a general banking business, lend money, discount paper, buy and sell bills of exchange, promissory notes, and other evidences of debt; borrow money, take personal, collateral, or real estate security for loans or forbearances, and dispose of such securities in such manner as may have been previously agreed upon between the parties, or under the provisions of an act for the benefit of banks, approved March 16, 1871: *Provided*, That when said bank has real estate security for any debt due or owing to it, said real estate shall be sold only by due process of law. Object of corporation.

§ 6. Said bank may acquire and use such real estate, furniture and fixtures as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of, any debt, judgment or decree, and may sell and convey the same; and may buy its own stock in satisfaction of debt, but must Acquire and hold real estate.

resell the same as soon as practicable: *Provided*, That when said bank receives, either by conveyance or purchase, any real estate for any debt due to it, the same shall be held by said bank for a period of not longer than five years.

§ 7. Said bank may receive deposits from minors and married women, and the receipts of such minors and married women shall be valid and binding.

Officers and directors take oath.

§ 8. The directors, cashier, and other officers of said bank, before entering upon their duties as such, shall each take an oath, before some officer of this Commonwealth authorized to administer the same, faithfully, and to the best of their ability, skill and judgment, to discharge the duties of their respective offices or stations in accordance with the provisions of this charter and the by-laws, rules and regulations of the bank; and they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

Duty of president.

§ 9. That the president of said bank shall make returns, as required by law of other banks, to the Auditor of State, and pay over to him the same amount of taxes on their stock, which shall be in lieu and in full of all tax and bonus whatsoever; and this bank is entitled to the same privileges and immunities of like institutions of this Commonwealth.

§ 10. This corporation may be dissolved by a vote of two-thirds in value of stockholders: *Provided*, Such dissolution shall not prejudice the rights of any existing creditor of said bank.

§ 11. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 112.

AN ACT to amend an act to establish a new charter for the town of Elkton, Todd county, Kentucky, approved April 21, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following article, designated as article number thirteen, be added as an amendment to the charter of said town :

ARTICLE 13.

§ 1. That hereafter the board of trustees of said town are authorized and empowered to create a fire district in said town, taking the court-house as the center thereof, and extending the same in any direction therefrom to no greater distance than the point where Allen street intersects Main street, so as to prevent the erection of any wooden building or structure within the district without the consent of said board of trustees, and under such regulations and restrictions as they may prescribe.

§ 2. This act shall take effect after its passage.

Approved February 13, 1888.

CHAPTER 113.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or any mixture thereof, in a certain prescribed boundary of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Madison county is hereby authorized and directed, within thirty days after the passage of this act, to order an election, as hereinafter provided, within the following described boundary in Madison county, Kentucky, including the town of Kirksville of said county: Beginning on the west side of the Kirksville and Kentucky River

Turnpike, at the corner between Wm. A. Finnell and Marion Coy, running in a direct line, crossing the Mill Grove and Hyattsville Turnpike, to a tenant house now occupied by one Hollingsworth on the farm of D. B. Willis, including said house ; thence in a direct line to the dwelling of D. B. Willis, including it ; thence in a direct line to the dwelling of James Shearer, including it ; thence in a direct line to the dwelling of B. F. Tevis, including it ; thence in a direct line to the point of beginning, this boundary including the town or village of Kirksville, in said Madison county, Kentucky. Said election to be held for the purpose of determining whether or not spirituous, vinous or malt liquors, or any mixture of either, shall be sold in said boundary.

§ 2. That before the said county judge of Madison county shall order an election in the said boundary as provided above, that a written petition, of not less than twenty legal voters and bona fide residents of said district, must be presented to him, requesting him to order such an election.

§ 3. That when said petition, as required by section 2 of this act, is presented to the county judge of Madison county, it shall be accompanied by a sum of money sufficient to pay for the advertising provided for herein, and to defray the necessary expenses of the election to be held.

§ 4. That before said election is held, it shall be the duty of the county judge of Madison county to give ten days' notice, by printed bills posted at three public places within the prescribed boundary, said bills stating the purpose of the election, and when and where it will be held.

§ 5. That at said election only qualified and legal voters, as required by the laws of this Commonwealth, and bona fide residents of said prescribed district, shall be permitted to vote, and those voting shall be required to cast their votes for or against

the sale of intoxicating liquors within said fixed boundary.

§ 6. That if, at said election, it shall appear that a majority of the votes cast are against the sale of intoxicating liquors, then, from and after said day of election, it shall be unlawful for any person or persons to sell, barter, or traffic in spirituous, vinous, or malt liquors, or any mixture thereof, within said prescribed boundary, in any quantity whatever, or for any purpose whatever, either directly or indirectly, at any place within said territory or boundary, including the said village of Kirksville.

§ 7. Any person or persons violating the provisions of the preceding section shall, upon conviction, be fined in any sum not less than fifty nor more than one hundred dollars, in the discretion of the jury trying the case, for each offense.

§ 8. That the penalties prescribed in section 7 may be enforced by indictment in the Madison circuit court, or by warrant before the county judge, or any justice of the peace of Madison county.

§ 9. The provisions of this act shall be binding until repealed by a majority of the qualified voters and bona fide residents of said prescribed boundary, or by an act of the General Assembly of the Commonwealth of Kentucky.

§ 10. No election shall be held for its repeal oftener than once in every two years, and then only upon the petition of twenty qualified voters and bona fide residents of the prescribed district, which petition shall be presented to the county judge of Madison county, and acted upon by him as is required by section 3 of this act. Said petition is to be presented to the county judge in open court, due notice having been given of said presentation of petition ten days beforehand by printed bills, posted in three public places in the village of Kirksville; and when the said petitioners shall have deposited with the county judge a sum of money sufficient to defray the expenses of

the election and to pay for the necessary advertising, the judge shall be required to order an election to be held, giving the people of the prescribed district ninety days' notice thereof. And if, at such election, a majority of the qualified voters and bona fide residents of the prescribed limits shall vote for the sale of intoxicating liquors, then this act shall be null and void for two years, when the vote may be taken again upon the same conditions as provided above.

§ 11. No election shall be held under this act on the same day of any county, State or other general election.

§ 12. This act shall take effect from and after its passage.

Approved February 13, 1888.

CHAPTER 114.

AN ACT to incorporate the town of Empire, in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporated.

Limits.

§ 1. That the town of Empire, in Christian county, be, and the same is hereby, incorporated, with the following boundaries: Beginning at a point on the Louisville & Nashville railroad, near the north-east corner of George W. Armstrong's farm; thence north-west to, and including, a house known as the L. C. Croft place; thence west to a corner of a survey of land owned by the Empire Coal and Mining Company, the same being near the residence of M. F. Ward; thence south-west to the Davis coal mines, this line to be so run as to include all lands and houses on the Davis coal mine survey of land now owned by the Empire Coal and Mining Company; thence south-east to the residence of A. Booker; thence east to the Hopkinsville and Madisonville dirt road; thence north with said road to the beginning, leaving said road out of

the corporate limits of said town. Thos. D. Roberts, ^{Trustees appointed.} John Cansler, A. V. Rutland, D. C. Hollifield, G. W. Armstrong, John Murphy, and O. S. Parker are hereby appointed trustees for said town, who shall hold their office until the first Saturday in May, 1888, and until their successors are elected and qualified; and if, from any cause, one or more of said named trustees can not act, then it shall be lawful for a majority of same to act, and they are hereby invested with all the power and authority given to the whole. It shall be the duty of said trustees to give notice, in writing, by posting the same in three public places in said town for ten days next previous to the said first Saturday in May, 1888, at which time an election shall be held in said town, ^{Election to be held.} at a place to be designated by said trustees, for the election of seven trustees, who shall hold their office for twelve months, and until their successors are elected and qualified; and annually, on the first Saturday in ^{Time of election.} May, an election shall be held in said town, after notice given as aforesaid, for the election of seven trustees for said town. At each annual election the seven persons voted for as trustees having the largest number of votes shall be duly elected. The board of ^{Officers of election.} trustees shall appoint one judge, who shall, together with the clerk of the board, hold said election (no officer of said election shall be voted for for said office), and give certificates of election to the persons entitled thereto, and shall deliver the poll-books to the trustees, who shall keep the same as part of the records of the office. Each trustee shall, before he ^{Take oath.} enters upon the duties of his office, take an oath to faithfully and impartially execute the duties of trustee of said town, a majority of whom shall constitute a quorum to transact business.

§ 2. The board of trustees of Empire shall be a ^{Body-corporate.} body-corporate and politic, and shall be known and designated by the corporate name of the Trustees of Empire; and by that name may sue and be sued, contract and be contracted with, and may have all

the rights and privileges necessary to consummate the purposes of their appointment.

§ 3. The trustees of said town shall elect one of
 Elect chairman. their number chairman, who shall preside at all their meetings, and vote only when there is a tie vote; he shall sign all the orders and proceedings of the board after each meeting, and until the police judge herein provided for is elected and qualified; shall have and exercise all the powers and duties of a judicial officer conferred by this act on the police judge, and all the decisions of said chairman shall be binding, and have the same effect as if rendered by the police judge.

§ 4. Said trustees shall appoint a clerk of the board
 Appoint a clerk. of trustees, who may be one of said board, who shall be sworn before he enters upon the discharge of his duties, and shall receive for his services such compensation as the board may allow. He shall have charge of the books and papers of the board of trustees, and shall draw all orders on the treasury for moneys appropriated.

§ 5. Said trustees are hereby empowered to pass
 By-laws and ordinances. such by-laws and ordinances as may be necessary, in their judgment, for the good government and well-being of the people of said town, and not in conflict with the Constitution and laws of the United States, and Constitution and laws of the State of Kentucky,
 Fill vacancies. and to fill all vacancies that may occur in their own number until the next succeeding general election,
 Levy taxes. and to levy a poll-tax of not exceeding one dollar upon each male citizen of said town, who has resided therein for a period of sixty days prior to date of levy, and an ad valorem tax upon each one hundred dollars' worth of property within said town, and which is subject to taxation for State purposes, annually, any sum not exceeding twenty cents, to be applied by the board for municipal purposes; and all fines and forfeitures for the violation of the laws and ordinances of said town, and all moneys paid in for license granted under this charter, shall be col-

lected and paid over to the treasurer of said town, to be used by the board of trustees for the benefit of said town. Said trustees shall each year appoint an Assessor. assessor, who shall assess and list the property and tithes of said town; he shall make out a complete list thereof, and file the same as a part of the records of said town. The assessor shall have the power to swear each party assessed.

§ 6. After the first day of February in each year Rate of taxes. the board of trustees shall fix the rate of poll and ad valorem tax to be collected for that year, and have the same recorded. The clerk shall then make out a list of taxes to be collected from each person and the amount of property listed, and shall deliver the same to the marshal or collector of tax for said town, and Collector. take his receipt therefor, and file it with the records of said board. It shall be the duty of said marshal or collector to collect the same, and he is hereby vested with full power and authority to do so by levy and distraint, and to the same extent that sheriffs have and are vested with to collect the State revenue, and pay the same over to treasurer of said board within a limited time, the same to be fixed by the board; and should the marshal or collector fail to collect or account for said taxes, he shall be held responsible for the same on his official bond.

§ 7. The board of trustees shall appoint one of Treasurer. their number treasurer of the board, who shall receive and receipt for all moneys collected, and pay the same out only upon warrants drawn upon him by the clerk of the board.

§ 8. The board of trustees may, until the election Appoint marshal in May, 1888, appoint a marshal for said town, whose appointment shall be entered of record; and upon a certified copy thereof being produced to the clerk of the Christian county court, he shall, at a regular or special term of said court, administer to said marshal To take oath and give bond. the same oaths taken by constables, and that he will

faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond with good security in said court as constables are required to do, with the further covenant that he will perform all the duties of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed in the clerk's office; the clerk shall receive a fee of one dollar for this service. The marshal and securities on his bond shall be liable thereon to the trustees of said town and to any and all persons as constables are liable on their bonds, and the like penalties and actions may be had thereon. The marshal first appointed by the board shall hold his office until his successor is elected and qualified. The first election for marshal shall take place on the first Saturday in May, 1888, and at the same time and place and in the same manner as directed in the election of trustees for said town, and two years thereafter, on the same day of the month; his term of office shall be for two years, and until his successor is elected and qualified. The person voted for at such election for marshal, and receiving the highest number of votes cast, shall receive from the clerk a certificate of his election, and execute bond and qualify in the same manner as herein directed when the board appoints, before entering upon the duties of his office; and the marshal of said town shall have the same powers, authorities and jurisdiction that is given to constables in Christian county, and shall be under the same responsibility and liabilities for his acts.

Jurisdiction of
marshal.

§ 9. The marshal shall receive for his services the same fees and commissions allowed by law to constables for like services. It shall be the special duty of the marshal to execute all process issued for violations of the by-laws of said town, and to receive and execute all process issued by the police judge of said town, or by or at the instance of the chairman or board of trustees, and to return the same, and to

Marshal's fees.

- arrest all drunken and disorderly persons in said town, and take them before the proper officer for trial. Whenever there is a vacancy in the office of marshal the board of trustees may appoint some one to fill the place as hereinbefore directed.

§ 10. The board of trustees for said town shall have regular meetings for the transaction of business at least once a month, the time to be fixed by their records, and may have call meetings whenever necessary; and may at any time, when they deem it expedient or necessary for the public good, appoint any number of policemen to assist in keeping the peace or suppressing disorderly conduct.

§ 11. All officers of said town shall be residents thereof, and at least twenty-one years of age.

§ 12. The board of trustees of said town shall have power to grant licenses to coffee-houses to run for twelve months, which license shall be signed by the clerk of the board; but before any license shall be granted, the applicant therefor shall pay to the clerk of the Christian county court the State tax, and produce to the trustees the clerk's receipt for the same; and shall also pay to the treasurer of said board any sum, to be fixed by the board, not exceeding one hundred dollars. It shall be unlawful for any person to sell by retail any spirituous, vinous or malt liquors within said town without first obtaining a license from the board of trustees so to do.

§ 13. On the first Saturday in May, 1888, at the same time and place that the trustees and marshal are to be elected, there shall be elected by the same voters of said town a police judge, who shall hold his office for two years, and until his successor is elected and qualified; and on the first Saturday in May, every second year thereafter, the voters of said town shall elect a police judge. The board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon the presentation of the same to the Governor of Ken-

tucky, he shall issue a commission to said officer. He shall, by virtue of his office, be a conservator of the peace, and shall, before he enters upon the duties of his office, be commissioned and sworn to faithfully and impartially execute all the duties of police judge of said town, and also such other oaths as are administered to justices of the peace. He shall have the same power, authority and jurisdiction in civil, penal and criminal cases as justices of the peace now do in Christian county. He shall have a fixed day in March, June, September, and December, of each year, for holding his quarterly courts for the trial of civil cases. He shall be entitled to collect the same fees that justices of the peace are entitled to, and may continue his courts from day to day until completed; and he may try all penal and criminal causes as soon as brought before him, giving parties a reasonable time to prepare for trial. No appeal in civil, penal, or criminal cases, where the amount involved does not exceed ten dollars, exclusive of interest and costs, shall be taken from the decisions of said police judge. He may have full power to administer oaths, render judgments, issue executions, and collect fees, the same as now belongs to justices of the peace. He shall have all necessary power for issuing original and compulsory process against parties and witnesses, and he may order a jury to try all causes where the fine or amount in controversy exceeds five dollars. His court shall be a court of record, and he shall act as clerk of same.

§ 14. Said board of trustees shall have power, in addition to the other powers herein granted within the limits of said town, to declare what are nuisances and enact by-laws for the abatement of the same; to license, tax, and regulate auctioneers, peddlers, pawn-brokers, shows, menageries, and exhibitions of every kind; to prohibit bawdy-houses, and to provide, by ordinances, for the punishment of the keepers and inmates thereof, and to do any and all things that

may be necessary and proper for the good government and peace of said town.

§ 15. Said board of trustees of said town may pass ^{By-laws and ordinances.} suitable by-laws, with penalties annexed, to suppress gambling houses, and gaming of every character where money or property is won or lost, and to suppress riots, routs, and breaches of the peace, disorderly or indecent conduct or obscene language, disturbing religious worship, schools, public speaking or lectures, or injury to property, either public or private, within the limits of said town.

§ 16. The board of trustees may cause to be erected, ^{Guard-house.} within the limits of said town, a guard-house or lock-up, for the confinement of violators of the laws and ordinances of said town. Where persons are fined for the violation of the by-laws of said town, and the fine be not paid or replevied, the parties so fined shall be required to work on the streets or other public improvements for said town; and they shall be required ^{Fines and penalties} to work one day for each two dollars of said fine, and shall so continue to work until the fine is fully discharged, including all costs of prosecution.

§ 17. Said board of trustees shall have full control ^{Streets and alleys.} of the streets and alleys of said town, and it shall be the duty of the board to have the same kept in good repair. No citizen of said town shall be required to assist in opening or keeping in repair any public road outside of the corporate limits of said town.

§ 18. That the territory embraced within the corporate limits of said town shall constitute one of the ^{Common school district.} common school districts of Christian county, and shall be governed in all respects as other common school districts in the county. Any person residing adjacent to the corporate limits of said town may be added to said common school district by making application to the commissioner of common schools for Christian county.

§ 19. This act shall take effect and be in force from and after its passage.

Approved February 18, 1888.

CHAPTER 115.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous and malt liquors in the Spring Dale precinct of Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous or malt liquors in Spring Dale precinct of Jefferson county," approved April 15, 1884, be, and the same is hereby, repealed.

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 116.

AN ACT to incorporate the Windom and Hickman Turnpike Road Company, in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporate name
and powers.

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of "Windom and Hickman Turnpike Road Company," for the purpose of constructing a macadamized or gravel road from or near the residence of Daniel Bryan, on the turnpike between Nicholasville and Lexington, in Jessamine county; thence in an eastern direction, so as to run near the residence of James Bouch, to the Tate's Creek Turnpike Road, at or near William M. Swope's residence, by the nearest and most practicable route, to be determined by the officials hereinafter named; to have perpetual succession, and, by the aforesaid corporate name of "Windom and Hickman Turnpike Road Company,"

may contract and be contracted with, may sue and be sued, may plead and be impleaded, answer and be answered, defend and be defended, in any of the courts of this Commonwealth.

§ 2. The capital stock of the said company shall be Capital stock. ten thousand dollars, divided into shares of fifty dollars each.

§ 3. The following named persons are hereby ap- Commissioners. pointed commissioners, who are authorized to take subscriptions to stock in said company, namely: William M. Swope, John A. Harbough, Thomas F. Sellers, of Jessamine county, who may open books at such times and places as they, or any two of them, may think proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken.

§ 4. The said commissioners shall procure books, in Subscription to stock. which the stockholders shall enter into the following obligation as follows: "We, whose names are hereunto subscribed, promise to pay to the president and directors of the Windom and Hickman Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such proportions and at such times and places as the president and directors may require." The payment of such subscription to stock may be enforced by law.

§ 5. That the stockholders shall be entitled to one Vote of stock-holders vote for each share of stock held by them; and whenever any stockholder so desires, he may vote by proxy in writing by him signed, at any election of president and directors.

§ 6. That a president and five directors shall be First election of officers. elected by the stockholders at a public meeting to be held in the town of Nicholasville, or at such other place as a majority of the commissioners named in section 3 may direct, and at such time as the said commissioners or a majority of them may deem proper. Notice of the time and place of said election

to be given by posting up notices on the court-house door in said town, and at all the most conspicuous places along the line of said proposed road for ten days previous to the day of election. All other elections shall be held as hereinafter directed.

Meetings of
president and
directors.

Quorum.

§ 7. That the president and three directors may call a meeting of stockholders, or of the directors, at any time they may deem it necessary; the president and three directors shall constitute a quorum, or, in the absence of the president, four directors, one of whom shall act as president *pro tempore*, shall constitute a quorum to transact business; and as soon as three thousand dollars of stock shall have been subscribed and the company is organized, said company may commence and proceed with the construction of said road. The company shall be considered organized when the election of officers shall have been held under section 6 aforesaid..

Appointment of
officers by the
president and
directors

§ 8. The president and board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; they shall have power to appoint a treasurer and gate-keeper, and to remove them for cause. And they may require the treasurer, and all other officers and agents by them elected, to execute bond, with sureties in such amount as they may consider sufficient, conditioned for the faithful discharge and performance of the duties incumbent on them as such; and they may make such by-laws as they may deem necessary, which, however, shall not conflict with the Constitution and laws of this State or of the United States.

Powers of the
board of directors

§ 9. The president and directors shall have power to fix the grade, locate, build, and establish said road between the points designated herein, and may acquire for the company by purchase, gift, relinquishment, or by writ of *ad quod damnum*, the right of way for the said road between said points; also parcels of land not exceeding one acre for each toll-house, and such timber, rock, gravel, and other material as may

be necessary to use in the construction of the road, and keeping it in repair by paying, in case of purchase, a reasonable compensation for such land and material. The road so constructed shall be not less than twenty-five feet and not more than forty feet wide, and the portion of it graded and covered with stone or gravel not less than fourteen feet wide and eight inches deep. The officers aforesaid shall also have power to build suitable bridges over such streams as said road may cross, and may in like manner acquire material that may be necessary in the construction of the same.

§ 10. The county court of Jessamine county, a majority of the justices thereof being present and concurring therein, may subscribe not more than twelve hundred dollars stock to each mile of said turnpike road; and for the purpose of paying for such stock so subscribed for, may make a levy upon the taxabel property of said county, and may enforce the collection of the same.

§ 11. That the president and directors shall hold their respective offices for a term of one year, excepting the first ones elected; and after the first election said officials shall be elected on the first Monday in May of each year, at such place and at such hour as the president and board of directors shall appoint. No person shall be eligible to act as president or director who is under twenty-one years old, and who is not the owner of one or more shares of stock in said road. Said president and board of directors shall cause to be kept a correct account of all money which shall be received by them, and of all sums of money disbursed by them in the prosecution of said work. Said accounts, showing all debits and credits, shall be entered upon a record book of the company kept for that purpose, which shall at all times be subject to the inspection of the officials and stockholders thereof. The president and directors, at the expiration of each year after the completion of the road, shall declare a dividend of the net profits, if

any, and pay the same to the stockholders on the first Monday of May in each year, or as soon thereafter as practicable.

§ 12. That the president and directors may erect a toll-gate on said road when two miles of the same shall have been completed, at such point as they see proper, and they shall have authority to erect one other toll-gate on said road, after the completion thereof, at such place as they may choose, and they may collect, from persons traveling on or using said road, such rates of toll as are now allowed by the General Statutes of the Commonwealth of Kentucky.

§ 13. The stock subscribed for as herein provided for shall be transferable, and the transfer of the shares thereof shall be made only on the books of the company kept for that purpose; and no stock shall be transferred unless the same shall have been fully paid for.

§ 14. That if any of the subscribers to stock in said road shall fail or refuse to pay for the shares of stock subscribed for by them within thirty days after the board of directors shall have ordered the payment thereof, they shall be liable to suit to coerce the payment of the same, in any court having jurisdiction. The order for such payment shall be made at a regular called meeting of the president and directors, which shall be entered upon the record book of the company, and written notice of the same given to the subscriber within said thirty days. Such notice may be given by mailing the same to the party sought to be charged thereby, by delivering to him a copy of the same by the hand of the clerk of the board, or by the hand of some officer authorized by the Civil Code of Kentucky to serve notices. After the expiration of said thirty days, if said subscribed stock is not paid, interest at the rate of six per cent. per annum shall be charged thereon until paid, and the same shall be embraced in the judgment in case of suit.

§ 15. The individual and private property of the stockholders shall not be liable for the debts or liabilities of this company or corporation.

§ 16. The said corporation shall have full power to do all other acts and things necessary to be done to locate, establish and complete said turnpike road.

§ 17. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 117.

AN ACT to amend an act, entitled "An act to incorporate the Hemingray Glass Company," approved March 21, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act mentioned in the title hereof be, and the same is hereby, amended by adding, at the end or close of section 7 thereof, the following, to-wit: "And said company may establish branch factories, works and agencies in the State, or elsewhere, at its pleasure, and such branch factories, works and agencies shall have all the powers, rights and privileges granted by the act to which this is an amendment."

§ 2. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 118.

AN ACT to authorize and empower the Charleston, Cincinnati and Chicago Railroad Company to construct, build, and operate its road, and pledge its property, sue and be sued, and for other purposes, as other like railroads under the laws of this Commonwealth.

WHEREAS, The Charleston, Cincinnati and Chicago Railroad Company, a corporation duly chartered by the laws of the State of South Carolina, and the

Consolidation. Rutherford Railway Construction Company, and the Rutherfordton, Marion and Tennessee Railway Company, corporations chartered by the laws of the State of North Carolina, have been consolidated, in conformity with the statutes of said States, under the name of the "Charleston, Cincinnati and Chicago Railroad Company;" and whereas, the Legislature of South Carolina has, by statute, approved December 24, 1886, recognized, confirmed, and validated said consolidation; and whereas, the Legislature of North Carolina has, by an act ratified February 17, 1887, also recognized, confirmed, and validated said consolidation, with its consolidation capital stock of fifteen millions of dollars, and conferred additional powers on said consolidated railroad company; and whereas, the State of Virginia has, by statute, approved April 6, 1887, recognized, confirmed, and validated said consolidation; and whereas, the State of Tennessee has, by act of the General Assembly of said State, approved March 29, 1887, recognized, confirmed, and validated said consolidation; and whereas, the said Charleston, Cincinnati and Chicago Railroad Company desires to extend its road through the States of Tennessee, Virginia and Kentucky, to the Ohio river, as a continuous line from the sea-coast to said river; now, therefore,

Confer additional powers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Construct and operate.

§ 1. That the Charleston, Cincinnati and Chicago Railroad Company is hereby authorized and empowered to extend, construct, and operate its road from a point on the Virginia State line, by the most practicable route, through or across the State of Kentucky, to some point on the Ohio river, in Boyd county, Kentucky, and to that end may enter upon lands, and survey its route, and condemn land for the tracks, depots, machine shops, and other appurtenances, as provided in chapter 953, Acts 1881, of the act, enti-

tled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies."

§ 2. That the said corporation may sue and be sued, ^{Powers and privileges.} contract and be contracted with, and convey, purchase and receive, by gift or otherwise, real and personal property, by its corporate name, and have a common seal, and exercise all the general powers of a corporation of like kind. It may execute mortgages upon its property and franchises to secure its ^{Purchase and lease other rail-roads.} debts, and the registration of the same in the counties through which its road runs shall be a sufficient registration of the mortgage. It may purchase or lease any other railroad, or purchase the stock or bonds of any other corporate company, or guarantee the stock or bonds of any other railroad or corporation, or consolidate with any other railroad company or companies in South Carolina, North Carolina, Virginia, Tennessee, Kentucky, or Ohio, or lease or farm out its road and property or the right of transportation over it. It may construct branches to any place, mine or manufactory where the tonnage and income will justify their construction. It may construct and operate telegraph lines along or near its right of way, or contract with other persons or corporations to construct or operate the same, or contract for the use and operation of telephones and other like apparatus.

§ 3. That said company shall have all the powers and privileges conferred on other railroad companies by the general laws of this Commonwealth, and be subject to suit in the courts of this Commonwealth, and to all liabilities of other like corporations under the laws of Kentucky.

§ 4. That this act shall be in force from and after its passage.

Approved February 13, 1888.

CHAPTER 119.

AN ACT to amend an act, entitled "An act to authorize and empower the Charleston, Cincinnati and Chicago Railroad Company to build and operate its road and pledge its property, sue and be sued, and for other purposes, as other like railroads under the laws of this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of an act, entitled "An act to authorize and empower the Charleston, Cincinnati and Chicago Railroad Company to construct, build and operate its road, and pledge its property, sue and be sued, and for other purposes, as other like railroads under the laws of this Commonwealth," passed at the session of 1887-1888, be, and the same is, amended as follows: Add to the said section the words: "Provided that the main line of said railroad within the Commonwealth of Kentucky be completed, with track laid, within four years from the date of the approval of this act."

§ 2. That this act shall take effect from and after the date of its passage.

Approved February 18, 1888.

CHAPTER 121.

AN ACT to legalize two separate contracts made by the town of Bellevue, Campbell county, Kentucky, with Hahn and Trapp, for the improvement of Fairfield and Taylor avenues respectively—two streets in said town.

WHEREAS, In the year 1875 the trustees of the town of Bellevue, a corporation that is now called the "Town of Bellevue," Campbell county, Kentucky, entered into two separate written contracts with one C. Hahn and G. L. Trapp, partners, as Hahn and Trapp—the one for the improvement of Fairfield avenue, a street in the said town, and the other for

the improvement of Taylor avenue, also a street in the said town. Whereas, the said Hahn and Trapp having completed the said two streets according to the said contracts, and the said streets having been received by the authorities of said town, and it having been subsequently adjudged by the highest court of this Commonwealth that the property abutting on said streets was not bound for the assessment for the improvement of same, because the charter of said town did not authorize the improvement of a street at the expense of abutting property; and it also having been adjudged by the highest court of this Commonwealth that the said town of Bellevue was not bound for the improvement of said streets for a similar reason; and whereas, it appears that the officers and legal advisers of said town and the said Hahn and Trapp, all in good faith, believed that the said town was fully authorized to enter into said contract and so acted thereon; and whereas, said Hahn and Trapp are entirely without remedy for the collection of their said claim for the improvement of said streets, the amount due for the improvement of Fairfield avenue being three thousand and sixty-two dollars and twenty-two cents, with interest from January 8, 1876, and the balance due for the improvement of Taylor avenue being seven hundred and thirteen dollars and thirty cents, with interest from December 23, 1875; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the two separate contracts made by "The trustees of the town of Bellevue," Campbell county, Kentucky, a corporation now known as the "Town of Bellevue," with Hahn and Trapp, each made in the year 1875, the one for the improvement of Fairfield avenue and the other for the improvement of Taylor avenue, be, and the same are hereby, legalized, and the said town of Bellevue is hereby given a lien, for the benefit of the said contractors, on the abutting prop-

Completion of
streets by con-
tractors.

Contract for
improvements
of streets.

erty on the said two streets for the assessments for each of the said improvements. The said lien is to date from the date of the said contracts respectively.

§ 2. That the board of trustees of the said town be, and is hereby, required, within thirty days after the approval of this act, to cause the amounts due on said two streets, respectively, to be apportioned on each front foot of the abutting property: *Provided*, That there shall be no assessment of any lot where the owners have heretofore paid the same.

Levy of tax on property along street to pay said assessment.

§ 3. That the board of trustees of said town be, and it is hereby, required, within thirty days after the said apportionment and assessments are made, to cause to be passed two separate ordinances providing for the levying of a tax on each front foot on the abutting property on each of the said streets, respectively, for a sufficient amount to pay said assessments.

Town clerk issue tax bills against several owners on streets.

§ 4. The said ordinances shall provide that the town clerk shall issue tax bills against the several owners on the said two streets, respectively, for the amount of the said assessments; and provide further, that the same, when issued, shall be placed in the hands of the city treasurer for collection, who shall proceed at once to collect the same, and pay the same over from time to time, as collected, to the said Hahn and Trapp. All bills remaining in his hands after the expiration of sixty days shall be returned to the city clerk, marked on the back thereof "Delinquent."

§ 5. The board of trustees of said town is hereby required, within sixty days after the return of the said tax bills, as in the last section provided, to cause suits to be instituted in the Campbell chancery court in the name of the said town, against the several owners of the lots on the said two streets, respectively, for the collection of the said bills, and for the enforcement of the liens on the property hereinbefore given.

§ 6. This act shall take effect from and after its passage.

Approved February 14, 1888.

CHAPTER 122.

AN ACT for the benefit of Edward O'Bryan, of Nelson county.

WHEREAS, J. T. O'Bryan, of Nelson county, was a licensed tavern-keeper in said county, and departed this life about sixty days before the expiration of said license; and as said O'Bryan left a family in needy circumstances, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward O'Bryan, son of J. T. O'Bryan, deceased, of Nelson county, be authorized to operate a tavern under the license which was granted to his father until the expiration of said license: *Provided*, That said Edward O'Bryan shall be compelled to operate said tavern in the same house in which his father had it at his death.

§ 2. This act shall take effect from and after its passage.

Approved February 14, 1888.

CHAPTER 123.

AN ACT for the benefit of J. A. Justice and Jno. L. Chandler, of Webster county.

WHEREAS, It appears from good and satisfactory evidence that J. A. Justice and Jno. L. Chandler, on the — day of July, 1887, arrested and delivered to the jailer of Webster county one Joseph Eynson, on a charge of horse-stealing committed in said county. Said Eynson was committed to jail on said charge in default of bail fixed at six hundred dollars, and he was afterwards released from jail on the execution of a good and solvent bond for his appearance, to answer any indictment that might be found against him at the November court of said county for the year 1887.

Now it appears that said Eynson confessed his guilt of said charge of horse-stealing to Judge F. B. Hall and other officers of Webster county court, has since left the State, and when last heard from was in Canada, and upon his failure to appear to defend said charge at said November court, said bond was declared forfeited, and summons awarded thereon, returnable to the May term, 1888, of said court; now, therefore, in order to reward the said J. A. Justice and the said Jno. L. Chandler for the arrest of the said Joseph Eynson on the charge of horse-stealing,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer of this State in favor of J. A. Justice and Jno. L. Chandler for the sum of fifty dollars, due and payable at the time when said bond executed by Joseph Eynson, with Dr. Farmer as surety, is collected and paid into the State Treasury.

§ 2. It is expressly understood that this reward is to be paid out of the funds received by the State Treasurer on the collection of said bond and no other.

§ 3. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 125.

AN ACT to incorporate the town of Rowland, in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated the town of Rowland, with the following boundary and corporate limits, as follows: Commencing at two white oaks, known as Logan's old corner, now corner to John Pepples and Spoonamore; thence with line of said Pepples, in a northerly direction, to the line of W.

Incorporated.

Boundary.

E. Amons; thence with the line of said Amons and Pepples, a westerly direction, crossing the lands of Mrs. H. J. Darst and her children, an air-line, to the corner of I. M. Bruce; thence with Bruce and Darst's line to Darst's line; thence with the line of Darst and Bruce, a southerly direction, to the center of the Stanford and Crab Orchard Turnpike Road; thence to a small house on the south side of the said turnpike road, on Mrs. Lou. Shanks' land, near the toll-gate, including it; thence a southerly line to St. Asaph's branch; thence with said branch to Logan's creek; thence up same to David Collier's property, near the Louisville & Nashville Railroad, including it; thence to Henry Ware's dwelling, including it; thence to the house of John Spoonamore, including it; thence a straight line to the beginning.

§ 2. That the board of trustees shall properly mark the said boundary, and cause a plat to be made thereof, and recorded in the Lincoln county clerk's office.

§ 3. That the fiscal and municipal concerns of said town, the government and control thereof, shall be vested in five trustees, three of whom shall constitute a quorum, each of whom shall not be less than twenty-five years of age, bona fide resident citizens and house-keepers of said town. Powers of board of trustees.

§ 4. That said trustees shall hold their offices for two years, and until their successors are elected and qualified, except as hereinafter provided.

§ 5. That said trustees and their successors shall be a body-corporate, with all the powers and rights incident to corporate bodies, under the name of the Board of Trustees of the Town of Rowland, Lincoln county.

§ 6. That there shall be an election on the last Saturday in May, every second year, for the election of such trustees, which election shall be by ballot, or *viva voce*, as the board of trustees may direct, under the direction of the board of trustees of said town, at which all male citizens of the age of twenty-one Elections.

years or over, who have been bona fide citizens and residents of said town for six months next preceding said election, shall be entitled to a vote.

§ 7. Said trustees, upon receiving their certificates
Shall take oath. of election, shall take an oath, before entering upon their duties as trustees, to faithfully discharge all the duties that may devolve upon them, which oath may be administered by any officer authorized by law to administer oaths.

§ 8. The said board of trustees shall have power to
Board to elect officers. elect a chairman, clerk, treasurer, tax-collector and assessor, all of whom shall be members of the board except the tax-collector and assessor, who may or may not be, in the discretion of the board. They may fill all vacancies in their own number, and shall have power to remove any member continuously absent from the meetings of said board for four months, and shall have the authority to remove a chairman, clerk, tax-collector and assessor, and elect others in their stead.

§ 9. Said board of trustees shall meet at least once
Monthly meetings. a month, and oftener, as necessity may require; and that Isaac Hamilton, W. C. Barnett, Simeon Raines, Thomas Jennings, and Simeon Robinson, are appointed trustees of said town until the first election hereunder, and until their successors are duly elected and qualified. They shall have all the powers herein conferred upon trustees of said town.
Trustees appointed.

§ 10. Said board of trustees shall have the power to
Marshal. appoint a marshal for said town, who shall execute bond for the faithful discharge of his duties, who shall hold his office at the discretion or pleasure of the board of trustees.

§ 11. The trustees shall have power over the streets,
Streets and sidewalks. sidewalks, and alleys of said town, and may order the improvement of the same as they may deem best for the interest of the town. They shall have power
Levy taxes. to levy and collect an ad valorem tax of not more than twenty-five cents on the one hundred dollars,

and a poll-tax of not more than two dollars on the male citizens of said town of twenty-one years old, which taxes may be levied and collected once in each year; but said board of trustees shall not have the authority, in any event, to contract an indebtedness for said town exceeding two thousand dollars.

§ 12. All taxes levied and collected by said trustees, Fines and forfeitures. and all fines and forfeitures for violation of town ordinances and by-laws, shall be paid to the treasurer, for the benefit of the town; and said treasurer and tax collector of said town shall be required to give a bond, with good security, conditioned for the faithful performance of their duties, and the payment of all moneys that may come into their hands; and no money shall be drawn from the treasury, except by order of the president of the board of trustees, in pursuance of the orders of said board.

§ 13. There shall be elected, by the qualified voters Police judge. of said town, on the last Saturday in May, 1888, and biennially thereafter, a police judge of said town, who shall hold his office for two years, and until his successor is elected and qualified. Said judge shall, by virtue of his office, be a conservator of the peace, and before he enters upon the discharge of the duties shall give bond for the faithful discharge of his duties, and shall take an oath to faithfully and impartially execute all the duties of the office. Said judge shall have concurrent jurisdiction with justices of the peace of Lincoln county, and be entitled to the same fees. He shall have jurisdiction within the town of all infractions of the by-laws and ordinances of said town; but in case of vacancy in the office, or absence, or interest of the judge, the city court of Stanford shall have jurisdiction of offenses against Police judge of Stanford. said by-laws and ordinances. An appeal shall be granted from said court as is provided in appeals from justices' court. The term of the said police court shall be fixed by the by-laws of the trustees.

§ 14. Said board of trustees shall not have the

power to grant a license to any person or persons to sell spirituous, vinous or malt liquors for any purpose whatever.

§ 15. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 126.

AN ACT to incorporate the Richmond Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. S. Walker, John Bennett, L. H. Blanton, C. D. Chenault, and W. B. Smith are hereby declared and made a body-corporate, and said corporation shall be known as the Richmond Hotel Company; and by that name shall have perpetual succession and be capable of suing and being sued, contracting and being contracted with; to have a common seal, and to do all things which may be necessary to facilitate the operation of said company.

§ 2. The business of said corporation shall be conducted by a board of three directors, who shall be elected at such time and places, and in such manner as may be prescribed by the by-laws of said corporation; and until the stockholders of said company shall elect directors, the corporators above-named shall serve as such directors, and have all the powers of such directors; and they may, by proper by-laws, provide for the subscription and payment of stock, the election of directors and officers, and all matters pertaining to the conduct and management of the affairs of said corporation.

§ 3. The capital stock of said company shall be seventy-five thousand dollars, in shares of fifty dollars each.

§ 4. That the said company shall have the power to purchase and hold such real estate in the city of

Richmond, Kentucky, as may be necessary for its purposes, and to erect thereon a hotel building, and other buildings, if necessary; to furnish the hotel building, and to operate, or cause to be operated, the same; and for this purpose the said company may issue its bonds, with coupons attached, in an amount not exceeding its capital stock, said bonds to bear interest at a rate not exceeding eight per cent. per year; and these bonds are to be secured by a first mortgage, or deed of trust, upon any or all of the property of said company. Said bonds may be sold publicly or privately. The time when, and the place where, said bonds shall be negotiable and made payable, shall be fixed by the incorporators or board of directors. The rents arising from the company's property, after paying all taxes and repairs and insurance, shall be first applied to the payment of the interest on said bonds.

§ 5. The deed of trust and mortgage above mentioned shall be executed by the president of the company, or by the incorporators, with the seal of the company attached; and the bonds shall be signed by the president of the company, with the seal of the company, and the coupons shall be signed by the secretary of the company.

§ 6. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 127.

AN ACT for the benefit of school district No. 16, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 16, in Campbell county, be, and they are hereby, authorized to levy an *ad valorem* tax on the taxable property in said district for the years 1888, 1889 and 1890 of not

exceeding twenty-five cents on the hundred dollars, for each or either of said years, to be applied in completing the school-house in said district, protecting the grounds, out-houses, furnishing seats, desks, stoves, etc., for said school-house.

§ 2. Said trustees are hereby vested with full powers, now existing under the general laws, to enforce the collection of said tax when levied.

§ 3. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 128.

AN ACT to amend an act, entitled "An act providing for making indexes of deeds and mortgages in the clerk's offices at Newport and Alexandria, in Campbell county," approved April 22, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The clerk of the Campbell county court is hereby authorized to contract with the commissioners of the court-house district of said county for the indexing of the deeds and mortgages recorded in the city of Newport within said district, and the said court-house commissioners are authorized to make provision for the payment to the said county clerk for the doing of the said clerical work.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1888.

CHAPTER 129.

AN ACT for the benefit of the Equitable Savings and Loan Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Equitable Savings and Loan Association, of Louisville, Kentucky, may receive subscriptions for its capital stock and deposits, savings and payments from married women and minors; and all receipts and business transacted by the said association with married women and minors shall be valid to the same extent as if they were not married or were of full age.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1888.

CHAPTER 130.

AN ACT to change the name of the county seat of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the county seat of Elliott county be, and the same is hereby, changed from Martinsburgh to the name of Sandy Hook.

§ 2. That this act be in force from its passage.

Approved February 13, 1888.

CHAPTER 132.

AN ACT to amend an act, entitled "An act to amend the Simpson County Agricultural and Mechanical Association," approved March 2, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Simpson County Agricultural and Mechanical Association," approved the 2d day of March, 1886, be amended as follows: That the purchaser under the act hereby amended shall have all the privileges, powers and franchises heretofore enjoyed by said association, and is empowered to reorganize said association, and shall have power to change the name of said association and re-issue and sell stock in said association, and the new shareholders shall have all the rights and privileges as then enjoyed and exercised by shareholders under the old organization. That said purchaser is hereby vested with power to lease, rent, or let said grounds, and that the person or persons to whom he may lease, rent, or let said grounds shall have all the privileges and powers, so far as holding fairs and having trotting, pacing and running races with horses are concerned, as were enjoyed by the Simpson County Agricultural and Mechanical Association under its charter and amendments thereto. And said person or persons may style said association of themselves by such name as they deem proper.

§ 2. This act shall be in force from the time of its passage.

Approved February 13, 1888.

CHAPTER 133.

AN ACT to permit the superintendent of common schools for Kenton county to hold his office in the court-house building at Independence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it is hereby made lawful, and the county superintendent of common schools for Kenton county is permitted, free of charge, to hold his office and keep the records of his office in the north west room, up stairs, in the court-house building at Independence.

§ 2. This act to take effect on and after its passage.

Approved February 13, 1888.

CHAPTER 134.

AN ACT supplemental to an act to provide for the reorganization, maintenance and supervision of common schools in the town of Catlettsburg and vicinity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of education of the Catlettsburg common school district be, and they are hereby, authorized to issue bonds and assume indebtedness, not to exceed five thousand dollars, for the sole purpose of constructing and equipping, for common school purposes, an addition to the present common school edifice in said district.

§ 2. The bonds, if ever issued under this act, may be made payable at any times between four and ten years, made redeemable at the pleasure of the said board. The interest shall be payable annually, and not to exceed six per cent. The bonds shall not be sold under par, and shall be issued, signed and attested as the bonds are required to be in the act to which this is supplemental.

§ 3. This act shall take effect from its passage.

Approved February 13, 1888.

CHAPTER 136.

AN ACT to authorize the county of Madison to subscribe aid to the Louisville Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County to subscribe to capital stock. § 1. That the county of Madison may subscribe to the capital stock of the Louisville Southern Railroad Company, as hereinafter provided, and may pay therefor in the negotiable coupon bonds of such county, payable not more than thirty years after date, and bearing interest at a rate not to exceed six per centum per annum, payable semi-annually, and which bonds and interest shall be payable at a place designated therein.

Application made to judge of the county court to subscribe to capital stock of railroad. § 2. Whenever application shall be made to the judge of the county court of said county, by a petition of twenty-five resident tax-payers therein, requesting that the question of subscribing to the capital stock of the said railroad company, upon the terms and conditions set forth in said petition, be submitted to a vote of the legal voters of such county, the county judge and magistrates may order an election to be held in such county, on a day named therein, to ascertain the sense of the legal voters thereof upon the question of making such subscription, and to cause notice thereof to be published in such county in a newspaper published therein, not less than ten (10) days before such election, and to be posted at the court-house door in such county, and at such other public places therein as he may by order direct; and at such election votes shall be received "For the railroad subscription," and "Against the railroad subscription." Officers of such election shall be appointed and hold such election, and make return thereof to the county judge, in the manner provided in ordinary county elections.

Submit question of subscription.

Cause notice to be published in newspaper.

Appointment of officers of election.

§ 3. As soon as may be thereafter, the county judge of such county shall determine if a majority of the legal votes cast at such election were in favor of such subscription, and if they were, he shall thereupon enter an order subscribing in behalf of such county to the capital stock of the said railroad company in accordance with the terms of the proposition so voted on. And he shall thereupon cause to be prepared and executed the negotiable bonds of such county as before mentioned, which shall be signed by him as county judge and attested by the county clerk, with his official seal fixed thereto, and the coupons shall be signed by such clerk by engraved signature.

§ 4. And the county judge of such county shall order that such bonds shall be deposited with a trustee or trust company, to be held in escrow, and delivered to the said railroad company when it shall become entitled to the same by the terms of the order of the county court: *Provided, however,* That such trust company or trustee shall, before receiving such bonds, give bond with good surety, approved by the county judge, for the faithful performance of his or its duty in the premises.

§ 5. An annual tax, sufficient to pay the interest on such bonds and the principal when it shall become due, shall be levied and collected and paid out by the officers of such county as provided in the case of other county taxes.

§ 6. This act shall take effect from its passage.

Approved February 15, 1888.

CHAPTER 137.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Covington," approved May 1, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Covington reservoir, provided for in the act to which this is an amend-

Proceeds of
bonds as pro-
vided.

ment, are hereby authorized to issue and sell the bonds of the city of Covington, to the amount of four hundred thousand dollars, in addition to the bonds authorized by said act, the proceeds thereof to be for the uses and purposes provided therein; and any surplus thereof remaining after the completion of said work shall be disposed of as in the twenty-ninth section of said act provided. The denomination of said bonds, and the rate of interest thereon, shall be fixed by the city council of said city of Covington, but the interest shall not exceed five per centum per annum, payable semi-annually, and be represented by interest warrants or coupons attached to said bonds.

Bond payable 40
years after date.

The said bonds shall be payable forty years after the date thereof, at the Bank of America, in the city of New York, State of New York, and be dated as in said act provided in relation to the bonds therein authorized. The bonds shall be signed by the officers provided in said act, but the coupons shall be signed by the said city treasurer only. The mode of procedure in signing and selling said bonds, the collecting and disposing of the proceeds prescribed in said act, shall be observed in respect to the bonds hereby authorized, except as modified herein; but they shall not be sold for less than par, with the accrued unmatured interest. After advertising, as in said act required, in case satisfactory bid or bids are not obtained for the bonds then offered, the same may be sold within the prescribed limits without re-advertising.

Selling of bonds.

Coupons.

§ 2. Coupons which have been lithographed with names of officers whose terms have expired, when the bonds to which said coupons are attached are not signed and sold before the expiration of the terms of said officers, shall be of equal validity as if lithographed with names of the persons in office at the time said bonds are sold, and by whom they may be signed.

§ 3. That the said trustees may sell the bonds hereby authorized, as well as those authorized by the act to which this is an amendment, at such time as they shall deem for the best interest of said city.

Trustees sell bonds.

§ 4. That all coupons matured before the sale and delivery of the bonds shall be detached by the trustees, and together with all such as have already been so detached by them, shall be stamped "Not sold." and delivered to the city clerk, with a descriptive list thereof and a statement why they were detached, which shall be reported by said clerk to the city council, for such disposition as the said council shall order.

Coupons not matured before sale detached by trustees.

§ 5. That the action of the said trustees in acquiring the right of way merely for laying water-pipes instead of the fee-simple title, as in said act prescribed, be, and is hereby, legalized.

§ 6. That it shall be lawful for said trustees, or said city of Covington, to contract with any railroad company, or other company or corporation or person who may, or may have constructed a bridge over Licking river, for conveying the water-mains to be laid by said trustees over said river; and this provision shall be full authority for any such company, corporation, or person to so contract with said trustees or said city; and the contract already made by said trustees with the Maysville and Big Sandy Railroad Company for that purpose is hereby legalized.

§ 7. This act shall be in force from its passage.

Approved February 15, 1888.

CHAPTER 138.

AN ACT to incorporate the Charleston, Cincinnati and Chicago Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Carlisle, Jay H. Northup, Olander Smith, Chas. H. Rockwell, A. B. Harris, R. A. John-

Name of incorporators.

Defining duties
and powers of
same.

son, P. P. Dickinson, John G. Black, and John T. Wilder and their successors and associates, are hereby constituted and declared a body-corporate forever, under the name of the Charleston, Cincinnati and Chicago Bridge Company; with power to sue and be sued, contract and be contracted with, to have and use a common seal, which the corporation may change at its pleasure, and with all the other powers, rights and privileges incident to corporations.

Purpose of incor-
porators.

§ 2. That the said Charleston, Cincinnati and Chicago Bridge Company be, and is hereby, authorized and empowered to locate, build, construct, and forever maintain and use a bridge over and across the Ohio river from some point on the Kentucky shore, in Boyd or Greenup county, Kentucky, to some point on the Ohio shore opposite the point that may be selected on the Kentucky shore: *Provided*, That said bridge shall conform its heights and dimensions to the conditions and limitations of the laws of the Commonwealth of Kentucky and the Acts of the Congress of the United States regulating the construction of bridges across the Ohio river.

Purchase, lease
and hold real
estate.

§ 3. That the said Charleston, Cincinnati and Chicago Bridge Company is hereby authorized and empowered to purchase, lease or condemn all the lands and materials that may be necessary for the construction and maintenance of said bridge, whether for piers, abutments, landings, embankments, tracks, switches, toll-houses, or approaches leading to the same, which are or may at any time hereafter be necessary or convenient for the building, maintenance, repairs, or use of the said bridge and its connections with the main tracks of railroads with which it may connect, or for its proper and convenient use whatever; and the said bridge company is authorized and empowered to acquire such property by gift, grant or purchase; or, if the same cannot be so acquired, the said company may condemn the same in the manner prescribed in chapter 963 of the Acts of 1881,

entitled "An act to prescribe the mode of condemning lands for the use of railroads and turnpike companies."

§ 4. That the said Charleston, Cincinnati and Chicago Bridge Company, and its successors or assigns, shall forever have the exclusive right to use the said bridge, and to transport persons and property thereon; but it may transport, or allow to be transported, the trains, cars, property, passengers or freight of any railroad company over said bridge upon such terms as may be agreed upon by it and such company.

Corporation have exclusive right to use bridge.

§ 5. That the said company may erect and construct and maintain upon said bridge a railway, with such tracks as it may deem expedient, and may build, maintain and operate a railway to connect said tracks with those of any railroad company whose cars, property, passengers or freight it may contract to transport over said bridge, or with which it may contract for the use of said bridge and said connecting tracks. And said company may also erect and construct upon said bridge a foot-path for foot passengers, and a road-way for horses, vehicles and live stock, and may charge for the use of the same such reasonable tolls as it may establish.

Construct railway on bridge.

§ 6. That it shall be lawful for any person, persons or corporations to enter into any contract with said company to secure the construction of said bridge or the railway, carriage and live stock road-way, or foot-way, or any of them, or to purchase or lease from said company such bridge or such railway, carriage or foot-way as it may construct, or any part thereof, or any easement thereon, or the right of use or possession thereof, upon such terms as may be agreed upon by the parties to the contract. And said bridge company may contract with any other corporation, or person or persons, for the erection or maintenance of of said bridge: *Provided*, That the same shall be done in accordance with this act.

Consolidate with other company.

Power to mortgage same to improve and maintain.

§ 7. That said bridge company is also authorized and empowered to mortgage the said bridge and all its appurtenances, and the rights, powers, franchises and immunities hereby conferred, and such as may be hereafter acquired or granted, and the rents and incomes thereof, for the purpose of building, maintaining or improving the said bridge, and may issue mortgage bonds upon the same.

Capital stock.

§ 8. That the capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each; but the same may at any time be increased to any sum not to exceed one million dollars, by a vote of a majority in interest of the stockholders. The manner of subscription, and the time, terms and conditions of the payment of the same shall be determined by the corporators named herein, or by the directors herein provided for. The said corporators may open books for subscriptions to the capital stock of the said company at such time and place as they may determine; due notice of the same having been published for two weeks in some newspaper in Boyd or Greenup county, Kentucky, and any person or corporation may subscribe to said stock. Whenever two hundred shares of stock shall be subscribed for, upon the terms agreed upon, the said corporators, not less than ten days' notice having been given, shall call a meeting of the subscribers, who shall organize the said company, and elect a board of directors of such number, not to exceed nine, as may be determined upon. The said board of directors shall thereafter be elected annually, at such time and place as the by-laws of the said company may provide.

Persons subscribe to capital stock.

Affairs under control of board of directors.

Hold office.

§ 9. The affairs of said corporation shall be under the control and management of the board of directors, who shall hold office for one year, or until their successors are elected and qualified, and in case of a vacancy, said board shall have power to fill the same until the next meeting of the stockholders. The said

directors shall elect a president of said company, and such other officers as they may deem requisite for the management of its business; may prescribe their duties; and may make all by-laws and regulations for the government of said corporation and its officers and employes. The directors may contract for material or labor for the construction or maintenance of said bridge, and, with the concurrence of a majority of the stockholders, may pay for the same with stock or bonds of the said company.

§ 10. The said company may consolidate with any other bridge company, or any railroad company organized, or that may hereafter be organized, under the laws of this Commonwealth or of Ohio; and provided, that the said bridge shall be ready for the transportation of railroad trains within five years from the approval of this act.

§ 11. That this act shall be in force from and after the date of its passage.

Approved February 15, 1888.

CHAPTER 139.

AN ACT to prohibit the sale and use of spirituous, vinous, and malt liquors in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell, barter, give, loan, traffic, or procure, for the use of another, spirituous, vinous, or malt liquors, in any quantity whatever, within the county of Bath, except as hereinafter provided; and all laws or parts of laws authorizing the county judge of said county, or the council or trustees of any town in said county, to grant license to retail spirituous, vinous, or malt liquors, shall be repealed, when this act shall become operative, as herein provided.

Regulate sale
of liquors.

§ 2. This act shall not apply to the procuring or use of wine for sacramental purposes, or to a regular resident practicing physician, who in good faith prescribes the same as a medicine to his patient or patients, or to the sale of the same by a bona fide resident druggist, upon the prescription of such physician; nor shall this act or its provisions apply to those who give or furnish spirituous, vinous, or malt liquors to a member or members of his or her own family, or their invited guests, at their family dwelling-house.

Violating provision, fine for each offense.

§ 3. Any person violating the provisions of this act shall be fined, for each offense, the sum of one hundred dollars, to be recovered by the indictment of a grand jury of said county in the circuit court, or by a proceedings, upon affidavit or information, before the county judge of said county, in the name of the Commonwealth, after five days' notice to the accused, the accused to be entitled to a trial by a jury, if demanded, to be empaneled by said court or judge trying the accused; and in case the county judge can not properly preside and try any case brought before him, the same shall be tried by the police judge of the town of Owingsville.

Giving of shall constitute sale of except to members of family.

§ 4. The procuring for, or delivery, of such spirituous, malt or vinous liquors, or any mixture thereof, to another for the purpose of being drunk, unless a member of his family or invited guest at his dwelling-house, shall be deemed a sale under this act, and subject the person procuring or delivering the same to the same penalties imposed for a violation of this act.

Duty of circuit judge.

§ 5. That it shall be the duty of the circuit judge of said county to give this act in charge to the grand jury of said county at each term of said court; and it shall be the duty of the county judge, sheriff, the justices of the peace and constables of said county, and of the police judge, mayor or marshal of any town of said county, having a knowledge or information of a violation of the provisions of this act, to

take necessary steps for having the accused prosecuted for such offense. And any of said officers who shall willfully neglect, fail, or refuse to execute the duties required of them, respectively, under this act, they shall, upon indictment of the grand jury of said county, and conviction, be fined fifty dollars for each offense.

§ 6. That it shall be the duty of the county attorney of said county to prosecute all offenders, before the county judge, against this act; and in the event he fails or refuses to do so, the judge trying the accused shall appoint some attorney at law to act in his place as prosecutor. And of all fines collected under this act, said attorney or prosecutor shall be entitled to twenty per cent. thereof for his services. And any informant and other prosecutor of such offender shall be entitled to receive ten per cent. of such fines when collected, which must be certified in his behalf by the judge or court trying the case.

Duty of county attorney.

§ 7. The provisions of this act shall become operative when approved by a majority of the votes cast at an election to be held in said Bath county at all the voting precincts thereof. The first election under this act shall be on the first Saturday in June next (1888) after the passage of this act, and a similar election every three years, as hereinafter provided, between the hours of seven o'clock, A. M., and six o'clock, P. M., of said day; all persons of said county being entitled to vote at said election, who, on that day, are eligible and legally entitled to vote for a Representative and Senator of the General Assembly of this Commonwealth. The clerk of the county court of said county shall prepare and furnish poll-books for holding said elections, heading one column "For the sale of liquors," and another "Against the sale of liquors," and the votes shall be recorded as the voters may express themselves. The county judge shall appoint judges and clerks of said election, and in making such appointment of the

Hold election on same.

Regulating
duties of officers.

Duties of clerk
of county court.

Election shall be
had every three
years.

judges will, if he can do so, appoint voters opposed to each other on the question submitted. The sheriff of the county shall conduct said elections by himself and deputies. That all laws now enforce regulating the duties of officers of general elections are made applicable to said officers and their duties; and all the laws applicable to the qualification of voters upon said proposition and against illegal voting shall apply to said election. If a majority of the votes cast at such election are against the sale of liquors, the county board of elections, whose duty it is to compare the polls of general elections in said county, shall compare the polls and certify the fact and result of such election, and the clerk of the county court shall at once enter such certificate upon the order-book of his court, and then the provisions of this act shall be in full force. And if, at such election, a majority of the legal votes cast be in favor of such sale of liquors, the fact shall also be so certified by the said board, and recorded by the county clerk as aforesaid; and at the expiration of three years from the first election under this act, and every three years thereafter, by order of the county judge, upon the petition for such election by twenty legal voters of said county of Bath, an election shall be had in the same manner and with like effect as provided for by the first election. Fifteen days' notice shall be given by the sheriff of Bath county holding the election, by written or printed notices, posted at one or more public places in each of the voting precincts: *Provided, however,* That a failure to give such notice shall in no way affect the validity of such election, if held, and the vote taken by the officers of the election.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 140.

AN ACT to amend the several acts incorporating the Kentucky Grangers' Mutual Benefit Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Kentucky Grangers' Mutual Benefit Society be amended, by striking out the word "Grangers" from the name of said society; and said society shall hereafter be known as and styled "The Kentucky Mutual Benefit Society;" and said society is hereby authorized and empowered to distribute among its members of the first class the surplus fund belonging to the members of said class, in accordance with the equities existing at the time of the passage of this act, in the hands of the treasurer; and in making such distribution the fund shall be divided and distributed pro rata among the members of said class. Amend original act.

§ 2. Hereafter the board of directors shall consist of twelve members, and their term of office shall be for three years. At the first meeting of said board after the passage of this act they shall, by lot, divide themselves into three classes, of four members each; and the seats of the first class shall be vacated on the last Tuesday in October, 1888, at which time their successors shall be elected for the term of three years; and the seats of the second and third class shall be vacated on the last Tuesday of October of each succeeding year, at which time their successors shall be elected for the period of three years. Board directors. Meeting of board. Division of same and terms of office.

§ 3. This society is hereby fully empowered to add to its business a department to be known as "members of the second class," and to require that all applicants for membership in said second class shall be examined by medical examiners appointed by the society, said examiners to be paid a fee of two dollars by the society for each applicant examined. The Class to be examined by medical examiner.

Membership
fees.

qualifications as well as to sex, age, health, residence or occupation, or otherwise, for membership in said second class, shall be such as may be prescribed by the society from time to time in its by-laws. Membership fees and annual dues shall be prescribed by the board of directors, and said board shall have the power to abate, in whole or in part, said fees and dues whenever in their judgment it may be wise so to do: *Provided, however,* That all contracts made with holders of certificates or policies shall not be changed thereafter so as to entail on said policy-holder a greater cost than that specified in the policy. All policies shall state the exact sum or amount of insurance in said policy to which the beneficiaries of said policy are entitled.

Department
shall be two
distinct funds.

Contributions.

§ 4. In the department of the second class there shall be two distinct funds, one fund to be called the "mortuary fund" and the other fund the "expense fund." These funds shall consist of the fees and dues enumerated in the above section and the contributions which shall be paid by members of this second class for the purpose of paying death losses; such contributions shall be based upon the tables known as the American Experience Tables of Mortality, with such additions to cover cost of collection and other necessary charges and expenses as may be deemed necessary by the board. The time and manner of paying such contributions and the amount thereof shall be provided in the by-laws of the society; and said mortuary fund, less the cost of collection or other necessary expenses, shall be invested in State, county, or city bonds or bank stocks, or loaned on good real estate security, and until so invested it shall be deposited in some bank, to be used only in the payment or settlement of death claims, or in compromising or settling any claim that may arise against said fund, or to pay any costs or fees incurred by the society in resisting payment of such claims on said fund as the society may deem unjust or improper to be paid.

Time and man-
ner of paying
same.

§ 5. Every person making application for membership in the second class may state who is to be the beneficiary or beneficiaries by reason of his or her insurance as a member of said class, and state the proportion of such insurance fund each beneficiary is to receive, and upon the death of such member said insurance shall be paid as has been directed by the member, and the society in issuing its certificate of membership shall state in the face thereof who is to be the beneficiary or beneficiaries in accordance with the directions of the application, and the amount of the insurance fund each is to receive in case of the member's death; but no person shall be a beneficiary under this charter except the husband, wife or children, if such be living at the time of such member's death. In case, however, the deceased member of this class shall have no husband, wife or child, said member may designate any other beneficiary or beneficiaries. Nothing in this section shall preclude any member from disposing of his or her insurance in said second class in such manner as he or she may direct by last will: *Provided, however,* That such member shall not have the right to devise said insurance fund to others than husband, wife or children, if such member has any, but may direct in what proportion said fund may be distributed, or such member may devise the whole of said fund to either husband, wife, or any one or more children.

Application for membership.

Member disposing of insurance.

§ 6. In case of the death of any member of said second class, written notice and proof thereof shall be furnished to this society within six months after his death, such proof to contain the name, age, and residence of said deceased member and the circumstances of his death, accompanied by the affidavits of the physician attending him in his last illness and the undertaker officiating at his burial. This proof to be furnished by the beneficiaries, who shall also, at the time, make a written demand for the payment of the amount due by reason of the death of said member;

Death of any member.

Payment of amount due by reason of death of member.

and such sums shall be payable within ninety days after the receipt by said society of said notice; proof of death and demand and failure to give said notice, and to make said proof and demand within the six months above prescribed, or to bring an action against said society within one year after the cause of action shall have accrued, shall bar any and all claims to any benefit accruing by reason of the death of said member.

Failure of any member to pay amount which he may owe.

§ 7. The failure of any member of said second class to pay the amount which he may owe the society when the same becomes due and payable, as authorized by this act and such by-laws as may be made in pursuance thereof, shall forfeit his membership in this society, and all the benefits therefrom; and such forfeiture shall in nowise depend upon any corporate or official action of said society, but result *ipso facto* from such failure to meet and pay said demand or demands; but the board of directors may, in their discretion, provide by by-law the mode by which such member may be reinstated.

Board of directors; make by-laws.

§ 8. All certificates or policies issued to members of said second class shall be non-forfeitable after the payment of three annual premiums by the members holding such certificate: *Provided*, Such member shall, within thirty days after his last payment, surrender his certificate to the society, and demand a paid-up policy, in which case it shall be the duty of the board of directors to issue to such member a paid-up policy for an equitable amount of the accrument on the sums paid in by such member, such equitable amount to be determined and decided by the board of directors.

Directors issue paid-up policies.

Business of first class and second class separate.

§ 9. The business of the first class and the second class of this society shall be kept separate and distinct, and neither class shall in anywise be held responsible for the obligations of the other class.

§ 10. This act to be in force from and after its passage.

[Became a law without the approval of the Governor February 2, 1888.]

CHAPTER 141.

AN ACT to repeal an act, entitled "An act to provide for a registration of voters in the city of Lexington," approved April 3, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to provide a registration of voters in the city of Lexington," approved April 3, 1886, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor February 14, 1888.]

CHAPTER 142.

AN ACT to amend an act, entitled "An act to incorporate the town of Pineville, Bell county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That an act, entitled "An act to incorporate the town of Pineville, Bell county," approved March 26, 1878, be, and the same is hereby, amended as follows :

§ 1. The limits of said town shall be extended not to exceed one mile and a half in every direction, from the site of the new court-house as it has been or may be located by commissioners appointed by the county court for that purpose. The trustees of said town shall cause a definite boundary to be made out, and recorded in the county clerk's office of said county, embracing the territory to be included within the limits of said town.

§ 2. The trustees of said town shall have power to enact such ordinances and make such police regulations as in their discretion they may think proper, and fix penalties for violation thereof. Also to provide that all persons convicted of violations of the

ordinances of said town shall be worked on the streets thereof until such time as the fine and costs shall be paid, at such rate per day as they shall provide.

§ 3. The trustees shall have power to provide and fix the fees of the police judge and town marshal and jailer of the county for such services as may be rendered to the town under this charter or ordinances passed by such trustees.

§ 4. At the next election for trustees under the charter of said town, five (5) trustees shall be elected instead of three (3) to serve as provided therein.

§ 5. The trustees are hereby authorized to issue bonds, to run for such time and of such denomination as they may, in their discretion, deem best, not to exceed the amount of fifteen thousand dollars (\$15,000); said bonds to bear such interest as may be provided therein, not exceeding six per centum per annum; and may be issued from time to time, of such amounts as will, in the opinion of the said trustees, be sufficient for improving the streets and sidewalks, and making other public improvements in said town. They may levy and collect a tax on all property embraced in the limits described for said town, sufficient to pay the interest on such bonds as may be issued as above provided, and to create a sinking fund for the payment thereof. Said bonds shall be signed by the chairman of the board of trustees, and have the seal of the town affixed thereto, and be payable at such times and places as may be provided therein.

§ 6. The police judge of said town shall have jurisdiction to try all misdemeanors committed within the limits of said town and against the laws of this State, and to enforce his judgments by fine or imprisonment, or both, as may be provided in the statutes, or in lieu thereof may adjudge that the parties so convicted may be worked upon the streets of said town, as provided herein, until the fine and costs shall have been paid, at the rate provided in the statute, or that provided by the ordinances of said town.

§ 7. The trustees shall fix by ordinance the time when the terms of the police court shall be held, and if the police judge is objected to in any trial, then the chairman of the board of trustees shall preside in such trial.

§ 8. All acts and parts of acts in conflict with this act are hereby repealed.

§ 9. This act to take effect and be in force from and after its passage.

[Became a law without approval of Governor February 14, 1888.]

CHAPTER 143.

AN ACT to amend an act, entitled "An act to amend, digest, and reduce into one all the acts incorporating the city of Lexington," approved April 19, 1882, and all acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the regular election for city officers for the city of Lexington shall hereafter be held on the first Saturday in March, 1888, and on the same day biennially thereafter, between the hours of 8 o'clock, ante meridian and 6 o'clock, post meridian, and the officers of said city shall take their respective offices and hold for the term now provided by law.

§ 2. That hereafter the board of aldermen shall consist of eight members, two of whom shall be elected from each ward; and the board of councilmen shall consist of twelve members, three of whom shall be elected from each ward. Wards hereafter laid off or created shall be entitled to a like representation, and in that event the number of members in each board of the general council shall be increased in proportion, that is, by and to the extent of the representation from such additional wards that may be hereafter laid off or created.

§ 3. That hereafter all city elections shall be held under the same direction and control as is now given

by law to the inspectors of election, by two judges, one clerk and one sheriff for each voting place, all of whom shall be appointed at least ten days preceding the day of election, by the same authority, in the same manner, and in accordance with the provisions of the General Statutes of Kentucky, title "Elections," chapter 33.

Powers and
duties of city
attorney.

§ 4. The city attorney shall represent the city in all courts and legal proceedings to which the city is a party, and for such services he shall be allowed by the general council, in addition to the salary now provided by ordinance for services rendered in the recorder's court, such compensation as may be reasonable, not exceeding five hundred dollars per annum.

Duties of city
collector.

§ 5. The city collector shall collect the same taxes and moneys for and on account of the city, and shall receive the same compensation therefor as now fixed by ordinance.

Repair of streets.

§ 6. No contract for the maintenance and repair of streets, nor for furnishing material for the repair and maintenance of streets, shall be made or entered into by or on behalf of the city during the now existing term of office of the members of the general council, extending for a longer time or to a period beyond the expiration of the term of office of the members of the general council now in office, and any contract or agreement touching the subject mentioned in this section in contravention hereof shall be void.

Auditor and
assessor.

§ 7. The auditor and assessor shall receive for his services such salary as the general council may provide, not exceeding fifteen hundred dollars per annum.

§ 8. That section 66 be, and the same is hereby, amended by striking out, in the ninth and tenth lines thereof, the words "not less than three and not more than six months," and inserting in lieu thereof the words "any period not exceeding twelve months;" and section 67 is amended by inserting just before the

words "in each case," in the twenty-third line thereof, the words "per day."

§ 9. That an act, entitled "An act to amend, digest ^{Proviso, amend-} and reduce into one all the acts incorporating the city ^{ment to original} of Lexington," approved April 19, 1882, which act was approved February 26, 1886, be, and the same is hereby, amended by striking out, in the eleventh section, the figures "33," and inserting in lieu thereof the figures "34."

§ 10. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall be in force and take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 144.

AN ACT to amend the charter of the city of Maysville, conferring certain powers on its board of council.

WHEREAS, It is represented to this Legislature that the board of council of the city of Maysville, on the twelfth day of July, 1886, under the authority of an act of a former Legislature, and an election held on the tenth day of July, 1886, made a subscription to the capital stock of the Maysville and Big Sandy Railroad Company of sixty thousand dollars, payable in three installments of twenty thousand dollars each, in one, two, and three years, and on the thirteenth day of July, 1886, issued its scrip for said sum of sixty thousand dollars, according to the terms and tenor of said subscription; and whereas, it is further represented to this Legislature that it is the wish of said board of council and the citizens of Maysville that said debt shall be funded into bonds payable at a future time; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of council of the city of Maysville be, and it is hereby, authorized to fund said debt,

by the issue and sale of sixty thousand dollars of the bonds of the city of Maysville, payable at such times, in such denominations, and at such rate of interest, not exceeding six per cent. per annum, with coupons attached for interest, and with such particulars as the board of council may determine, provided they are not contrary to the general laws of this Commonwealth.

§ 2. The proceeds of the sale of said bonds shall be applied to the payment of said sixty thousand dollars of city scrip.

§ 3. It shall be the duty of the board of council, and they are authorized and directed, to levy and collect, by taxation upon the property in said city subject to taxation, as for other purposes, from year to year, a sum sufficient to pay the interest and principal of said bonds as they mature.

§ 4. The board of council is authorized to exempt said bonds from taxation for all city purposes, if, in their judgment, it is for the advantage of the city that they shall be so exempted.

§ 5. And whereas, said scrip has been delivered to the citizens' committee of the guarantors of the right of way for said railroad of said city, to be sold and proceeds used in purchasing rights of way, and same has been sold by said committee at a discount from its face value, said board of council is authorized to pay to said committee, out of the funds of the city that can be so appropriated, or out of proceeds of sale of bonds of the city, if necessary, a sum equal to said discount, to be used as proceeds of said scrip, in purchase of right of way, so as to secure to said committee the full amount of sixty thousand dollars.

§ 6. That this act take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 145.

AN ACT to incorporate the Millersburg and Redmon Turnpike Company, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body-corporate and politic, under the name and style of the Millersburg and Redmon Turnpike Road Company, for the purpose of constructing a turnpike road beginning at a point on the Ruddell's Mills and Millersburg Turnpike at the Champ farm; thence west to a point intersecting with the Redmon pike at the farm of James Whally. Said company is to have perpetual succession, and by the aforesaid name may contract and be contracted with, plead and be impleaded, sue and be sued, and do all acts necessary to carry out the intention of its creation, and by this act is clothed with all the powers conferred by the general law on turnpike companies in this State.

§ 2. That Dr. J. R. Best, Wm. Ardery, Jesse Turney, Samuel Boulden and Wm. Gibson, or either of them, be, and are hereby, authorized to solicit subscriptions to the capital stock of said company by opening books for that purpose at such times and place as may be suitable to them.

§ 3. That in the construction of said road on the route outlined in the first section, the president and directors of said company shall have power to change the location of the route, if such change shall appear to them proper and necessary.

§ 4. That the capital stock of said company shall be seven thousand dollars, and may be increased or diminished at the pleasure of the company, and shall be divided on this basis into seventy shares of one hundred dollars each.

§ 5. That when a sufficient amount of stock shall be

subscribed to justify the beginning of said road, there shall be a meeting of the stockholders, called by one or more of their number, at such place as may be considered best, for the purpose of electing a board of directors, to hold their offices for one year, or until their successors are chosen and qualified. The board of directors shall elect from their number a president and a secretary and treasurer, and said board of directors may elect a gate-keeper and all other officers necessary to effectuate the purpose of this act, and to remove them at their pleasure ; and they may require the treasurer and other officers appointed by them to execute bond and security in such a sum as they may deem proper, conditioned on the faithful performance of the duties incumbent on them as such. But no person shall be eligible to the offices of president or director, or secretary and treasurer, who is not the owner of one or more shares of stock in said company ; and in all elections each stockholder shall be entitled to one vote for each share of stock so owned, and said vote may be cast in person or by written proxy.

§ 6. That the county court of Bourbon county is hereby authorized to subscribe to the capital stock of said company in any amount allowed by law at the time the subscription shall be made that the said court may see proper to subscribe.

§ 7. That the stock of the company shall be transferable only on the books of the company.

§ 8. That, upon the completion of one mile of said road, the president and directors may erect a toll-gate, and may collect and receive toll at a rate now allowed by the General Statutes of Kentucky.

§ 9. That the board of directors may make all by-laws necessary for the transaction of its business not in conflict with the laws of this State.

§ 10. That said company may acquire by deed, gift or conveyance, or by writs of *ad quad damnum*, grounds for a toll-house, and not exceeding three

acres of land, earth, stone, timber, and quarries, and other material that may be necessary to build said road and the bridges thereon.

§ 11. This act shall take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 146.

AN ACT to amend the charter of the St. Rose and Loretto Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the St. Rose and Loretto Turnpike Road Company," be amended as follows:

§ 1. Said company shall have the right to charge and collect toll on its road for any distance traveled thereon at the same rate per mile or fraction thereof as is allowed by law, and said company shall have the right to charge and collect toll on traction engines an amount equal to four times the amount of toll for a four-horse wagon and team as allowed by law.

§ 2. The width of said road shall be thirty feet inside of the ditches.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed.

§ 4. This act to take effect from its passage.

Approved February 15, 1888.

CHAPTER 147.

AN ACT to amend the charter of the Louisville and Cane Run Road Company, authorizing a sale of the road, or any portion thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of the Louisville and Cane Run Road Company is hereby amended by the addition of the following sections.

§ 1. The majority of the board of directors may, by resolution, authorize the president of the Louisville and Cane Run Road Company to sell the Louisville and Cane Run Road, or any portion thereof: *Provided*, The same shall be done at a meeting called for that purpose, by at least five days' notice to the directors by the secretary or president, and provided that the bid for the road, or any portion thereof, shall first have been approved by a meeting of the stockholders called thereafter, at which a majority of stockholders are present or represented.

§ 2. Upon such proceedings had, the president shall transfer and convey to the purchaser a good title to the road or portion purchased, and receive and receipt for the consideration paid therefor.

§ 3. This act shall be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 148.

AN ACT to authorize the county of Spencer to refund its bonded indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Spencer, through the agency of its court of claims, the county judge and a ma-

majority of the justices of the peace to be present and concurring therein, is hereby authorized to refund its outstanding bonded indebtedness, being the bonds issued by said county to pay its subscription to the capital stock of the Cumberland and Ohio Railroad Company; and for that purpose it is, through said court of claims as its fiscal agent, authorized to issue its bonds for not exceeding one hundred and sixty thousand dollars (\$160,000), in denominations of one thousand dollars, five hundred dollars, and one hundred dollars, the number of each denomination to be determined by said county judge and justices when organized as a county levy court; but the aggregate is not to exceed said sum.

Refund outstanding indebtedness.

Bond issued to capital stock of Cumberland and Ohio Railroad.

§ 2. The said bonds shall bear interest at a rate not exceeding five per centum per annum, and the interest is to be paid semi-annually, and to be evidenced by coupons attached thereto for each semi-annual installment of interest, the interest to run from the date of issue, and the principal is to be due in twenty years from the date of issue; but the bonds are to be redeemable upon the call of the county at the end of five years; or they may be issued in such series as to make a portion thereof redeemable at the end of five years, and another portion at the end of ten years, and another portion at the end of fifteen years, the number and amount of each series in such case to be determined by said court of claims, the bonds in either case to be due in twenty years from date of issue.

Bond bear interest.

Redeem bonds.

§ 3. The bonds shall be signed by the county judge and attested by county clerk with the seal of the county, and the coupons shall be signed by the county clerk. The judge and clerk shall be paid a reasonable compensation for their services, to be paid by the county levy court of said county; but there shall be no charge for the use of the county seal for either the clerk or the Commonwealth. The bonds and coupons shall be payable at such place in the United States as the said county levy court may designate, and they

When bonds are payable.

shall be payable to bearer and negotiable, shall be sold and negotiated at not less than par value, and the proceeds shall be applied exclusively to the payment and redemption of the six per cent. bonds of said county now outstanding and issued under and by virtue of "An act to incorporate the Cumberland and Ohio Railroad Company," approved February 24, 1869.

Payment of principal and interest of said bond.

§ 4. The payment of the principal and interest of said bonds shall be provided for by the levy of an annual tax sufficient to pay the semi-annual installments of interest as they accrue, and to provide a sinking fund sufficient to retire the bonds at maturity.

Levy of tax by court.

The said tax to be levied by said court of levy at the same time and manner, and upon the same property, and said taxes are to be collected by the same officers, in the same manner, and with the same authority, and under the same liabilities in all respects as is provided in the said act incorporating the Cumberland and Ohio Railroad Company and amendments thereto now in force. It being the intention of this act to enable the said county of Spencer to refund the said outstanding bonded indebtedness, and substitute five per cent. bonds in lieu of those now outstanding, and bearing six per cent. interest.

Power of court of levy.

§ 5. The said court of levy has full power, in order to carry into effect the provisions of this act, to employ such investment brokers and agents as in its judgment may be proper to secure the negotiation of the bonds, and may pay them out of the county levy such compensation as may be deemed just.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 149.

AN ACT for the benefit of Robert B. Batte, of Henderson county.

WHEREAS, Robert B. Batte, of Henderson county, obtained, on the 5th day of December, 1884, from the Henderson county court, a license to sell, by retail, spirituous, vinous and malt liquors in the town of Cairo, Henderson county, for one year from date, and paid therefor one hundred dollars. At the time he procured said license he had a license from the town of Cairo, Henderson county, which expired on the 29th day of April, 1885. On application to the town of Cairo, Henderson county, said town trustees, acting therefor, refused and now refuse to issue to said Batte a license to retail such liquors any longer; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of the State shall draw an order on the Treasurer of the State for the sum of fifty-nine dollars and seventy-five cents, payable to Robert B. Batte, of Henderson county, and the said Treasurer shall pay said sum of money to said Batte.

§ 2. This act shall take effect from its passage.

Approved February 15, 1888.

CHAPTER 150.

AN ACT relating to turnpike roads in Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all turnpike elections heretofore held in Trimble county, and all votes heretofore taken authorizing the subscription by the county court to turnpike roads and levying taxes to pay the same, and all county bonds heretofore issued by said county court in aid of turnpike roads, and all orders of court

Votes and subscriptions heretofore taken and made legalized.

relating to turnpike roads in said county, and the acts of all officers receiving any turnpike roads in said county, and issuing the county bonds heretofore authorized by law, are hereby ratified, approved, and confirmed as well as all vested rights acquired thereby.

§ 2. That hereafter all turnpike roads constructed in Trimble county, or under the turnpike law for said county, shall have a good road-bed eighteen feet wide, and the metal bed shall be ten feet wide and ten inches thick, the lower six inches to be of broken stone, so broken that the stone will pass through a five-inch ring, and the upper four inches to be of coarse gravel or stone, so broken as to pass through a two-inch ring, and the shouldering on each side to commence on a level with the top of the metal, and to be at least two feet wide on each side of the metal and on a level with the metal for the two feet on each side of the road, with all necessary bridges and culverts, and so ditched as to drain the surface water away from the metal, the ditches to be at least two feet wide at the bottom.

Width of roads.

Depth of stone.

Size of stone.

§ 3. The county court shall still be authorized, as heretofore, to take stock and issue bonds not exceeding eight hundred dollars to the mile, whenever there is enough private subscriptions to satisfy the county court that, with the county subscription of eight hundred dollars per mile, the company will be able to complete the road; and whenever any turnpike company shall so satisfy the county court and give sufficient bond to the county court for the completion of the entire road within a reasonable time by means of the private subscriptions, and the eight hundred dollars county subscriptions, the county court shall then issue and deliver the county bonds, although as much as one mile may not then be completed; but until such security is given for the completion of the road, the county court shall not deliver any county bond until at least one mile of road is fully completed. But no

County court authorized to take stock.

When bonds are to be issued.

bond shall be issued to a road less than one mile long, unless the fractions complete some other roads.

§ 4. The county court shall appoint some suitable County court to appoint some suitable person. person of experience in turnpike business, who shall be sworn to discharge the duties of the office faithfully, to inspect and receive all turnpike roads constructed under this act. And when such person finds that any road has been completed according to law and the specifications of the company he shall so certify, and if the road does not comply with the law and the specifications of the company, he shall reject it; and in either case he shall be paid two dollars and fifty cents per day for the time he is actually engaged in inspecting the road. If the road is received, his fee to be paid out of the county turnpike taxes, and if rejected, by the turnpike company.

§ 5. The treasurer of all turnpike roads in Trimble Treasurer of roads to make report. county shall annually report to the county court all of the receipts and disbursements of all roads in which the county has taken stock, which reports shall be made on or before the first day of the January term of the county court in each year.

§ 6. So much of the acts of May the fifth, 1880, and Acts repealed. February the eleventh, 1882, and May the eighteenth, 1886, as may be in conflict with the provisions of this act, are hereby repealed; but so much of any of these acts as is consistent with the provisions of this act, are to be considered still in force the same as if embodied in this act; and this act shall be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 151.

AN ACT to regulate the rate of ferriage on the Cumberland river, in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the rate of tolls to be charged at the ferries on the Cumberland river, in Cumberland county, shall be changed to the following rates: For every wagon drawn by six work beasts, including load and driver, forty cents; for every wagon drawn by four work beast, including load and driver, thirty cents; for every wagon drawn by three work beast, including load and driver, twenty-five cents; for every wagon drawn by two work beast, including load and driver, twenty cents; for every wagon, carriage or cart drawn by one work beast, including load and driver, fifteen cents; for each person on horseback, including horse, five cents; for each person on foot, crossing the river twice at the same ferry the same day, five cents; for each person crossing the river on foot and not returning, five cents; for crossing every head of cattle, horses, mules, jacks, and jennets, five cents each; for every sheep, hog, goat, or lamb, two cents each; for every hogshead of tobacco not in a wagon or cart, twenty-five cents; for every barrel of salt, flour, sugar, or molasses not in a wagon or cart, five cents; for all other freights not in a wagon or cart, nor carried by some beast of burden, weighing one hundred pounds or over, five cents per hundred-weight; children under six years of age with other person or persons shall be ferried free.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall be enforced from and after the first day of January, 1889.

Approved February 15, 1888.

CHAPTER 152.

AN ACT to amend the charter of the Pulaski County Agricultural and Mechanical Association, organized under chapter 56, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the articles of incorporation of the Pulaski County Agricultural and Mechanical Association, heretofore organized under the general laws of this Commonwealth, be, and the same are hereby, amended as follows :

ARTICLE 1. Said association shall have the power, through its board of directors, to borrow money or create indebtedness to an amount not exceeding its authorized capital stock, for the purpose of liquidating and paying off its present liabilities, or any part thereof, or for the purpose of carrying on its business, and to issue its bonds, or execute its promissory notes therefor, payable at such time and place as its board of directors may determine upon, and to mortgage the property of said corporation as surety for same. Said bonds or notes may be made to draw any rate of interest, not exceeding six per centum per annum, as may be determined by said board of directors. Said bonds or notes may have coupons attached for the payment of the interest annually accruing thereon.

ARTICLE 2. The organization of said corporation under its articles of incorporation, now of record in the clerk's office of the Pulaski county court, shall be held, for all purposes, legal and sufficient, without further publication or formality.

ARTICLE 3. Any indebtedness created by said corporation over and above that authorized by its charter is hereby legalized, and such indebtedness shall be binding and obligatory against it.

ARTICLE 4. Whoever shall become the owner of the bonds or notes provided for by this act shall have the

right to vote in any meeting of the stockholders of the association, the same as if the face value thereof represented shares of stock; that is, each owner of said bonds or notes shall be entitled to the number of votes in the proportion that the face value of said bonds or notes so held shall bear to the face value of a share of the capital stock.

ARTICLE 5. This act shall take effect and be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 153.

AN ACT to amend the charter of the Owenton and Clay Lick Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Owenton and Clay Lick Turnpike Road Company, in Owen county, be so amended so as to read as follows: That said company be allowed to erect a toll-gate at the junction of the Panther Lick Turnpike Road and the Owenton and Clay Lick Turnpike Road, although the same be less than one mile from the town of Owenton.

§ 2. That this act take effect from its passage.

Approved February 15, 1888.

CHAPTER 154.

AN ACT to renew the charter of the Alexandria and Flag Spring Turnpike Road Company, in Campbell county.

WHEREAS, The charter of the Alexandria and Flag Spring Turnpike Road Company, of Campbell county, Kentucky, expires in December, 1888, by special enactment; and since further time is de-

sired, and is necessary, to enable the company to complete said road, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Alexandria and Flagg Spring Turnpike Road Company be, and the same is hereby, continued in force until December, 1890, and that said company shall have until that time to complete said road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 155.

AN ACT to amend the charter of the town of Georgetown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections 21 and 23 of an act to amend and reduce into one the several acts concerning the town of Georgetown, approved March 6, 1880, be, and the same is, amended by striking out the words one hundred dollars, and inserting in lieu thereof the words five hundred dollars, in that portion of said sections fixing the tax on license to retail spirituous liquors, so that those portions of said sections shall hereafter read and fix the tax therefor in a sum not exceeding five hundred dollars (\$500) on each per annum, &c.

§ 2. This act shall take effect on and after its passage.

Approved February 15, 1888.

CHAPTER 156.

AN ACT to regulate compensation for certain services on public roads in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the price to be paid for use of teams, wheeled carriages, plows and gears, in Webster county, shall be as follows: For yoke of oxen, or two horses and wheeled carriage or plow and gearing, two dollars per day; for one horse and plow and gear, one dollar per day.

§ 2. This act shall be in force from its passage.

Approved February 15, 1888.

CHAPTER 157.

AN ACT for the benefit of the Oddville, Avenia and Sunrise Turnpike Road Company, in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Oddville, Avenia and Sunrise Turnpike Road Company, in Harrison county, be, and the same is hereby, authorized and empowered to erect a gate and collect tolls on its line of road at its toll-house at the intersection of the Curry Run Turnpike Road with their said road. The said gate shall be erected upon the right of way signed to the said Oddville, Avenia and Sunrise Turnpike Road Company, and immediately in front of the terminus of the Curry Runn Turnpike Road, so as to enable the former company to gather tolls from travel passing from their road on to the road of the latter.

§ 2. They shall collect the same rates of toll now regulated by the General Statutes.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 158.

AN ACT to incorporate the district of Clifton, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the district of Clifton, in Campbell county, ^{Limits.} be, and is hereby, incorporated, with the following boundaries, to-wit: Commencing at the intersection of the Newport and Alexandria Turnpike Road and the Licking or Morgan road, at the southwest corner thereof; thence with the south boundary line of the city of Newport, to Central avenue; thence with the boundary line of said city northwardly along Central avenue, on the east side thereof, to a point ninety-four feet south of Liberty street; thence westwardly along the boundary line of said city of Newport, to the Licking river; thence southwardly, along the east bank of the Licking river, to the southwest corner of Jacob Hahn's line; thence eastwardly, with said Hahn's south line, to the southeast corner of the land of John A. Williamson, and adjoining the lands of Dr. Shaler and H. Budde; thence along, and following the north line of said Shaler's land, to the Newport and Alexandria Turnpike Road; thence northwardly, along the west side of said turnpike road, to the place of beginning.

§ 2. That George Fewlass, T. B. Youtsey, E. O. ^{Trustees appointed.} Remme, Jacob Hahn, and Peter Eustin, are hereby appointed a board of trustees of said district, to hold their office for the period of four years, and who shall continue in office until their successors are elected and qualified, with power to fill any vacancy that may occur in their number. Said district shall ^{Incorporated.} be a body-corporate and politic, and in its name may contract and be contracted with, sue and be sued, plead and be impleaded, and have all the rights and powers necessary to execute the purposes for which

this corporation is created, and may have a corporate seal.

§ 3. The trustees appointed by virtue of this act shall elect one of their own number president of the board of trustees, and may elect a collector, clerk, treasurer, and assessor for said district, and such other officers or agents as they deem necessary to carry out the powers and duties imposed on them by law, and require of them such bonds as they may deem proper. An election shall be held on the first Monday of April, 1892, and on the same day every four years thereafter, at some convenient place in said district, for the purpose of electing five trustees, police judge, marshal, clerk, treasurer, and assessor, for the said district, who shall hold their offices for four years, and until their successors are elected and qualified; and at said election the qualified voters of said district are entitled to vote subject to the same rules and regulations now existing, or hereafter made by law. The trustees, and all other officers so elected, shall, before they enter upon the duties of their offices, take an oath before the judge of the Campbell county court to truly and faithfully perform the duties of their respective offices. On the first Monday in April, 1888, and every four years thereafter, at the same time and place, and under the same regulations that the trustees are to be elected, there shall be elected by the votes of said district a police judge and marshal, who shall hold their offices for four years, and until their successors are elected and qualified. The clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and on the presentation of the same to the Governor of Kentucky, he may issue a commission to said police judge. Said trustees appointed under the provisions of this act, and their successors in office, shall have power to enact all by-laws and ordinances necessary to the improvement, regulation, well-being, and advancement of the inter-

May appoint officers.

Time of election.

Terms of offices.

Take oath.

Biennial elections.

By-laws and ordinances.

ests of said district: *Provided*, The same be not inconsistent with the Constitution or laws of the United States or of this State.

§ 4. All qualified voters living within the limits of Who shall vote. said district, shall be entitled to vote in the election of trustees and all other district officers.

§ 5. The police judge shall, by virtue of his office, be Police judge. a conservator of the peace, and shall have the same as, and concurrent jurisdiction in civil and criminal cases with, justices of the peace in Campbell county, and be entitled to the same fees; he shall have jurisdiction Fees. within the limits of said district of Clifton, all infractions of the by-laws and ordinances of said district. The marshal shall attend all meetings of the Marshal. board of trustees and sessions of the police court, and shall have the same power, in all cases in said district, which is given by law to constables, and perform such other duties, not inconsistent with this act, as may be prescribed by said board of trustees, and be entitled to the same fees as constables are in Fees. like cases.

§ 6. Said trustees shall have power to levy and Levy and collect taxes. collect an annual tax upon all the land in said district, not to exceed fifty cents upon the one hundred dollars of the cash value of said land, for the uses and purposes of said district in maintaining and carrying out the purposes of its organization; and said district may charge for the purposes herein above stated a license upon the gross receipts of any business conducted within the corporate limits, not to exceed fifty cents on the one hundred dollars, on the gross amount of sales by the year, and may fine for, or prohibit any party or person from, carrying on a business not licensed by them. They shall also have License taverns, etc. power to license each tavern, hotel, coffee-house, or any other establishment wherein malt, fermented, vinous, or spirituous liquors are retailed, and fine or prohibit any such place not licensed by them the

amount of or price for said license, to be fixed by said board of trustees.

Issue bonds.

Open and improve streets.

§ 7. That the said district is hereby authorized to issue bonds of the said district of Clifton, to be called "Street improvement bonds of the district of Clifton." The board of trustees of said district is hereby vested with full power to cause the opening and improvement in the original construction of any street, alley, lane, road, avenue or thoroughfare in said district by grading, paving, curbing, macadamizing, graveling or other material, upon the petition of the owners of a majority of front feet fronting or abutting on that part of the street, etc., to be improved. Said board of trustees may, however, cause said improvement to be made without such petition, if the said board unanimously concur therein, on call of the yeas and nays, to be recorded on its minutes. In the laying off and opening said streets, alleys, lanes, roads, avenues and thoroughfares, if the consent of the owners of the land can not be first obtained, the trustees may, after ten days' notice to the owners thereof or their agents, proceed to condemn the same, and assess the value thereof before the county court of said county according to the general law now or then existing and in force. The grade of the street, etc., to be improved shall first be established, and an estimate of the required work to be done thereon ascertained, before the ordinance providing therefor shall be passed; and the expense thereof, including the intersections and crossings adjoining, which shall be added thereto and distributed pro rata thereon, to be fixed before any contract shall be entered into by said district for said improvement. Said grade, estimate and expense shall be embraced in and form part of said contract. All work done and material furnished for such improvement shall be under the inspection and supervision of said board, and a civil engineer appointed by said board, whose duty it shall be to see that all work is done, and material fur-

nished is in accordance with the contract. Said board of trustees shall advertise for bids for such improvement, according to the specifications on file in the office of the clerk of said board. At the next regular meeting after such advertisement said board may receive bids for such work, and award the contract to the lowest or best bidder, reserving the right to reject any or all bids. Upon the awarding of such contract, said board shall enter into a written contract with the contractor whose bid has been accepted, conditioned according to said specifications; the work to be done under the inspection and subject to the approval of said board and said engineer. A lien is hereby granted to said district for said contractors on all the property fronting and abutting on any such street, etc., so proposed to be improved, for the payment of said work and material from the time said contract is awarded, and may be enforced as other liens are enforced: *Provided*, That the course herein-after specified shall in no event destroy the lien the district may have by virtue of this act. Said contractor shall be paid within sixty days from the time the said work is completed and accepted by said board and engineer. Said board shall, upon the awarding of such contract, cause the bonds of said district to be issued in an amount equal to the amount of the contract, in such denominations as said board may determine. Said bonds shall be issued in book form, with stub attached, showing the number of the bond, the name of the street, etc., to be improved, the amount of the bond, the date of issue. Said bonds shall run for ten years from date of issue, shall be made payable at some place to be named in the bonds and chosen by said trustees; they shall recite this act by its title and date of approval, and shall show that a lien is reserved on the property to be improved, reciting the street, etc. They shall be called "Street improvement bonds of the district of Clifton;" they shall be numbered, commenc-

Issue bonds.

ing with number one; they shall bear interest from date at the rate of six per cent. per annum, payable annually, and shall have interest coupons attached for each annual installment of interest. The coupons of each bond shall be numbered serially, from one to ten, inclusive. Each of said bonds shall be signed by the president of the board of trustees and countersigned by the clerk of said board, and shall have the seal of the district affixed thereto; each of said coupons shall be signed by said clerk. Said bonds and coupons shall be made payable to bearer, and when issued and disposed of as herein provided shall have the force and effect and be placed upon the same footing as bills of exchange; said bonds, when prepared as streets, etc., may be improved and accepted from time to time; may be disposed of by said board of trustees to the contractors, or any one else, at not less than their par value. It shall be the duty of the said engineer, upon the awarding of the contract, to ascertain the expense of the work per front foot, including intersections and crossings, on such improved street, etc., and distribute the same pro rata on the front foot of such street, etc., abutting thereon. Said board shall, before the improvement is made, cause an abstract to be made ascertaining the present owners of all the property on the street, etc., to be improved, the cost of the same to be taxed in the estimate; and upon the engineer's estimate of the cost per front foot, the clerk of said board of trustees shall annually, when he makes out the regular tax bills of the district, make out the tax bills of the owners of real estate fronting and abutting on such street, etc., in such a manner as to pay off the lien against such realty for such improvement in ten years, attaching the same to the amount due from the tax-payer for district purposes, including the interest on the sum unpaid each year; and such tax bills shall be a lien on such realty for the total amount of the estimate and interest thereon: *Provided*, That any owner may pay off the amount

Duties of clerk.

assessed against him within sixty days after the work is accepted as completed, as above set forth: *And provided further*, That such owner may pay the amount due from him at any time by paying six months' interest thereon, and said district shall have the right to redeem any such bond so issued at any time, paying six months' interest thereon. The amount so received by said district annually shall be used only in paying the interest and redeeming the bonds, and shall be used for no other purpose. How funds are to be used.

§ 8. That any three of said trustees shall constitute Quorum. a quorum for the transaction of the business of said district. The president shall preside over the deliberations of said board when convened, and shall have power to convene the board in session whenever he may deem it proper.

§ 9. This act shall be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 159.

AN ACT to repeal in part an act to authorize the counties of Barren, Metcalfe and Monroe to raise money to aid in the construction of a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to authorize the counties of Barren, Metcalfe and Monroe to raise money to aid in the construction of a railroad," approved May 12, 1884, as applies to the county of Barren, and so much thereof as in anywise authorizes the raising of money for any railroad by any tax on the people of Barren county, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 15, 1888.

CHAPTER 160.

AN ACT to amend an act, entitled "An act to incorporate the town of Corinth, in Grant county," approved March 11, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Corinth may, at any meeting of said board of trustees, fill any vacancy existing in the office of police judge or town marshal for said town, and may appoint a deputy marshal, whose duties, privileges, and responsibilities shall be the same as the marshal of Corinth.

§ 2. No person shall be eligible for the office of trustee of the town of Corinth who is not, at the time of his election, a bona fide owner of real estate in said town.

§ 3. No person shall be a legal voter at any town election of Corinth who is indebted to the town for taxes or fines, and for violations of this section the same penalties shall be inflicted as in other elections in this Commonwealth.

§ 4. This act shall be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 161.

AN ACT to amend the charter of the Mayslick and Mill Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Mayslick and Mill Creek Turnpike Road Company having, by authority of the Mason county court of claims, taken possession of a portion of county dirt road number eight, in road district number twelve, in Lewisburg precinct, Mason county, and

having constructed its road upon and over same, said turnpike company is hereby empowered to continue such location and occupation as a part of its line of road, and shall continue to keep same in repair and suitable condition for travel, and may erect its toll-gate thereon, and charge tolls according to the rates now fixed by law.

§ 2. If said Mayslick and Mill Creek Turnpike Road Company shall deem it advisable to abandon its present route, or any part thereof as now located, it may do so, and survey and locate a new route, and acquire the right of way upon and over same, and construct and operate its road thereon, with a terminus on the Maysville and Mt. Sterling Turnpike Road, at or near the town of Lewisburg.

§ 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 162.

AN ACT to locate and define the boundary lines between the counties of Morgan and Magoffin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Steele, of Morgan county, John Franklin, of Magoffin county, and William Mynbier, of Montgomery county, Kentucky, be, and they are hereby, appointed commissioners to locate and define the boundary lines between the counties of Morgan and Magoffin, from the head of the Rock House Fork of Licking river to the mouth of the Brown's Fork of Paint creek, in accordance with, and in conformity to, the act creating and organizing the county of Magoffin. Said commissioners, before acting as such, will be sworn, before some officer authorized to ad-

Appoint commissioners.

Define duties.

Locate boundary

minister an oath, that they will faithfully discharge their duties as such commissioners.

Commissioners
locate division
line.

§ 2. That said commissioners shall go upon the land and locate and define, by courses and distances, the boundary line between said counties from and between said points, having due regard to the act creating and organizing the county of Magoffin, and will make out and file with the clerks of the county courts of Morgan and Magoffin reports of their acts, showing, locating, and defining, by courses and distances, metes and bounds, the boundary line between the counties of Magoffin and Morgan, from the head of the Rock House Fork of Licking river to the mouth of Brown's Fork of Paint creek.

Duty of clerk of
county.

§ 3. That it shall be the duty of the clerks of the county courts of Morgan and Magoffin to spread at large upon the records of their offices, respectively, the report of said commissioners when filed with them, together with the clerks' certificate of the same.

Report of com-
missioners.

§ 4. That the report of said commissioners, when filed with the clerks as aforesaid, shall fix and determine the true boundary line between said counties from and between the points or places herein named, and shall be evidence of the same; and when so filed shall be notice to all persons as to the location of said boundary line.

§ 5. That any two of said commissioners may act and report, and the same to be as valid and binding as if done by all three of them.

Compensation of
county clerk.

§ 6. That the county clerks named herein shall, for their services in recording and certifying to said reports, be allowed the sum of two dollars each, to be paid by their respective counties, and that the commissioners herein, for their services in running, locating and defining said boundary line, and making and filing their report of the same, shall be allowed three dollars each per day for the time they are actually

engaged in said work, and the same to be paid by the counties of Morgan and Magoffin respectively.

§ 7. That this act shall take effect from and after its passage.

Approved February 15, 1888.

CHAPTER 163.

AN ACT to amend an act, entitled "An act to authorize the Breathitt county court to build a new court-house, and to provide for the payment thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize the Breathitt county court to issue bonds to build a new court-house, and to provide for the payment thereof," be amended by striking out the word "five" after the word "payable" and before the word "years," in the first section of said act, and inserting in lieu thereof "not exceeding fifteen."

§ 2. This act shall take effect and be in force from its passage.

Approved February 15, 1888.

CHAPTER 164.

AN ACT to incorporate the Kentucky Hereford Cattle Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. S. Baskett, James A. Pickett, J. S. Harrington, J. W. Hornsby, C. O. Bailey, W. H. Curtice, Thomas L. Hornsby, and all other breeders of Hereford cattle in Kentucky who shall hereafter become members of this association hereby incorporated, shall be a body-corporate, by the name of the Kentucky Hereford Cattle Breeders' Association, and

by that name have perpetual succession and existence, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given.

§ 2. The object of this association shall be to encourage the breeding of Hereford cattle in the State of Kentucky, and to promote and protect the interest of said breed by all lawful means in concert with, and in obedience to, the rules of the American Hereford Cattle Breeders' Association.

§ 3. Any reputable breeder or owner of Hereford cattle, whose residence is in the State of Kentucky, may become a member of this association upon the payment of the initiation fee of five dollars.

§ 4. The officers of this association shall consist of president, vice-president, secretary and treasurer, to be elected annually by a majority vote of the members present, or represented by approved proxies.

§ 5. The offices of secretary and treasurer may be held by one and the same person.

§ 6. There shall be an executive committee, consisting of three members of this association, elected by a majority vote of the members present, or approved proxies, at the same time and place of the election of other officers of said association.

§ 7. The president of this association shall have the power to call a meeting of the board of directors or executive committee, or both, whenever, in his judgment, it may be necessary.

§ 8. There shall be a board of directors, consisting of seven members of this association, elected annually by said members or their approved proxies, at same time other officers are elected.

§ 9. This association shall have the right and power to make and enforce their by-laws, provided said by-laws are adopted by a majority vote of all the members or approved proxies.

§ 10. The place of meeting for this association shall be in Shelbyville, Shelby county, Kentucky, and the

annual meeting for the election of officers shall take place on the second Monday in February each year.

§ 11. This act shall be in force from and after its passage.

Approved February 15, 1888.

CHAPTER 165.

AN ACT to amend an act, entitled "An act to incorporate the Citizens' Bank of Owensboro."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Citizens' Bank of Owensboro," approved April 26, 1886, be, and the said act is hereby, amended by striking out of the title of said act, and out of the body of said act, wherever they occur, the words "Citizens' Bank," and inserting in lieu thereof the words "Bank of Commerce," and the name of said corporation shall be "The Bank of Commerce of Owensboro" after this act shall be in effect.

§ 2. All contracts and transactions had by or with said bank, prior to April 1, 1888, and not then concluded, may, on and after said date, be concluded in the name of the Bank of Commerce to the same extent and as fully as though said contracts or transactions had been had or made with said bank in that name. This shall include the right to sue and be sued in its new name on all transactions made in its present name and pending when this act goes into effect, and the right to cash checks drawn prior to said date and presented after said date.

§ 3. This act shall take effect and be in force on and after April 1, 1888; and all acts or parts of acts in conflict with this act are hereby repealed.

Approved February 15, 1888.

CHAPTER 166.

AN ACT to amend the charter of the Northern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the charter of the Northern Bank of Kentucky as authorizes the Governor of this Commonwealth, for and on behalf of said Commonwealth, to appoint two members of the board of directors, be, and the same is hereby, repealed, and hereafter all the members of said board of directors shall be elected by the stockholders.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1888.

CHAPTER 167.

AN ACT to incorporate the city of Somerset.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

Incorporating
into city.

§ 1. That so much of the county of Pulaski as is embraced in the limits of the town of Somerset hereinafter named, and the persons residing in said boundaries, are hereby created a body-politic and corporate, by the name and style of the city of Somerset, and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts at law or in equity ; may contract and be contracted with, may purchase and hold such lands, tenements and personal property as may be necessary for the use of said corporation ; and may lease, sell or convey, or otherwise dispose of same ; and said cor-

poration may have and use a common seal, and set aside, renew or alter the same at pleasure.

§ 2. And said city is invested with all the lands, ^{Transferring to city all the rights, property, etc., of the town.} tenements, and hereditaments, and all the goods, chattels, moneys, revenues, rights, and demands in possession or expectancy of the town of Somerset; and shall be bound by all contracts and responsible for all debts, demands, and liabilities, of whatsoever kind, against said town; and it shall succeed to all the rights, privileges, and franchises of said town; and all private acts heretofore granted in reference to street railways in said town, or any franchise therein, shall become applicable to the city in the same manner and to the same extent as before the adoption of this act.

§ 3. All streets, alleys, roads, lanes, and commons, ^{Streets, alleys, roads, lanes, etc.} now open to the public travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the city of Somerset.

§ 4. The corporate limits of the city of Somerset are ^{Corporate limits.} hereby established, as follows: Beginning at a stone in the center of Main street, about one-half mile northeast of the public square, and at the junction of the Stanford and Crab Orchard road; thence westwardly to the top of the natural bridge, three hundred yards west of the Cincinnati Southern Railroad; thence southwardly to the intersection of the Monticello and Stoner Ferry road, near Charles Denham's residence; thence eastwardly to the late residence of Andrew Gibson, which is not included; thence northeasterly to the top of the hill on the Coal Bank road at the Kendrick rock quarry; thence with the Coal Bank road to its intersection with the Mt. Vernon road; thence northwardly to the residence of Daniel Gibson, which is not included; thence westwardly to the intersection of the Crab Orchard road and College street; thence west with the Crab Orchard road to the beginning.

§ 5. Said city shall be laid off into five wards.

Ward No. 1 shall contain all that portion of the city east of Main street and north of Mt. Vernon avenue.

Ward No. 2.—All that portion of the city west of Main street and north of Mt. Vernon avenue, and a line extended westwardly from the end of said avenue on same course to the western limits of the city.

Ward No. 3.—All that portion of the city south of Mt. Vernon avenue and north of a line run from the Kendrick rock quarry to J. P. Haley's residence, included; thence to Dan. White's residence, included; thence due west to the city limits.

Ward No. 4.—All that portion of the city south of Ward No. 3 and west of Main street and Monticello road to the railroad crossing, and west of the main railroad track to the southern limits of the city.

Ward No. 5.—All that portion of the city south of Ward No. 3, and east of Ward No. 4.

Councilmen.

Each ward shall elect a councilman, who shall be a resident of the same. The mayor of the city shall be elected by the qualified voters of the corporation, voting in their respective wards.

Service of process, on whom made.

§ 6. In all suits or proceedings against the city, service of process shall be upon the mayor, or in his absence from the city, upon the city clerk.

ARTICLE II.

Distribution of the Powers of Government.

§ 1. The corporate powers of the city of Somerset shall be divided into three distinct and separate departments, viz: The legislative, executive and judiciary.

ARTICLE III.

§ 1. The legislative powers of the city of Somerset shall be vested in a mayor and five councilmen, to be styled the Board of Councilmen of the City of Somerset.

§ 2. No person shall be eligible as mayor or member of the board of councilmen of the city of Somerset who is not a male citizen and a legal voter of said city, and who has not been a continuous and bona fide resident thereof for at least two years next preceding his election, and who is not a resident of the ward for which he is elected (except the mayor, who may be a resident of any ward), and who shall be directly or indirectly interested in any contract with said city, or in any application therefor; and if, after his election, any member of the board of councilmen shall remove from the city or ward for which he was chosen or elected, or shall die, or resign as councilman, or accept any office, post, employment or agency, the holding of which would have rendered him ineligible as a member of the board of councilmen, or do any other act or thing which would have rendered him ineligible as a member of the board of councilmen, his seat as such member shall thereby be vacated, and the remaining members of said board of councilmen shall so declare, and proceed immediately to fill the vacancy as hereinafter provided.

Eligibility of mayor.

§ 3. Stockholders in other corporations may be eligible to the office of mayor, or member of the board of councilmen, but shall not vote or interfere, directly or indirectly, with any matter or question affecting any contract between such company or corporation and the city of Somerset.

Stockholders in other corporations may be eligible for mayor.

§ 4. Before entering upon the execution of their respective offices the mayor and the board of councilmen, and all other city officers herein created and established, shall, in addition to the oath required by the Constitution and laws of this Commonwealth, take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, and without fear, favor or affection, discharge the duties of the office of _____ of the city of Somerset according to law," which oath or affirmation shall be administered by the clerk of the Pulaski county court, and a certif-

Bonds of officers.

icate thereof shall be noted on the journal, and filed with the records of the city.

§ 5. The board of councilmen shall keep or cause to be kept a correct journal of all their proceedings; and all records, official proceedings of the board of councilmen, and of the board of trustees of the town of Somerset under former charters of the town, are hereby declared "Public Records," and as such shall be preserved and entitled to all the faith and credit of "Public Records," and official copies thereof may be read in all courts with like effect as public records.

Journal of proceedings must be kept.

§ 6. The mayor and board of councilmen shall hold their offices for a term of two years from and after their election and until their successors shall be elected and qualified; and said board of councilmen may from time to time fix and regulate by their by-laws the times and places of their regular meetings, and may also prescribe the mode in which special meetings may be held, and rules of their proceedings, and may inflict a penalty on any member for non-attendance at their meetings, not exceeding one dollar.

§ 7. A majority of the board of councilmen shall constitute a quorum to transact business and pass and enact by-laws and ordinances: *Provided however*, That no ordinance incurring a liability, or requiring an appropriation of exceeding one hundred dollars, shall be passed, unless the same be voted for by a majority of the full board of councilmen; and upon all ordinances incurring liabilities or requiring appropriation, the yeas and nays shall be taken and entered upon the journal.

Quorum — what shall constitute.

§ 8. Upon all questions voted upon by the board of councilmen, any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

§ 9. The board of councilmen shall have power within the limits of said city, in addition to other powers granted to and vested in them by this charter:

Powers of councilmen within limits.

Powers.

First. To fill all vacancies which may occur in the board of councilmen by reason of death, resignation or otherwise by electing some suitable and eligible person to fill the unexpired term, who shall take the oath of office heretofore prescribed, and enter upon the discharge of the duties of his office until the expiration of the term for which he was elected. Powers of councilmen.

Second. To levy and cause to be collected a per capita, specific and ad valorem tax within the limits prescribed in this charter.

Third. To appropriate money and provide for the payment of the debts and expenses of the city.

Fourth. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within two miles of the boundaries of the city; to establish hospitals and pest-houses, and make rules and regulations for the government thereof, and to make rules and regulations to secure the general health of the inhabitants of the city; to appoint a sanitary commission, consisting of three members, one of whom shall be a physician, and to define by ordinance the duties of same, and fix the compensation of the members thereof.

Fifth. To cause owners and occupants of property to keep the streets and alleys in front of them clean and free from dirt and filth, and the pavements free from snow; by ordinance to declare same a nuisance; to prescribe penalties if such person fail or refuse to obey or perform the directions given in relation thereto by the board of councilmen.

Sixth. To prevent, abate and remove nuisances at the expense of the occupants, or if unoccupied, of the owners on whose premises they exist; and they may by ordinance fix a penalty for keeping, causing, or committing a nuisance, which shall be by fine in

the recorder's court, in any sum not exceeding twenty-five dollars for each day the same is continued after notice. They shall have power to prohibit the erection of wooden buildings, and regulate the height of same in any part of said city, whereby great danger may ensue to valuable and permanent property, and to enforce the same by fine and penalty.

Seventh. To provide the city with water by means of wells, cisterns or otherwise.

Eighth. To establish, erect, and keep in repair bridges, culverts, sewers, reservoirs, and dams, and regulate the use of the same; and to have repaired, removed or change any chimneys, flues, stove-pipes, or fire-place that, in their judgment, threatens the security of other property.

Ninth. To provide for lighting the streets and all city offices and buildings, and may cause said houses and the grounds belonging to the same to be ornamented with trees and shrubbery.

Tenth. To appoint, support and regulate assistant policemen, night watches, and patrols, and to prescribe their duties and compensations.

Eleventh. To establish market places and provide for the government and regulations thereof, and to designate some place or lot in the city where stock shall be exposed for sale, and provide rules and regulations for same and assessment on stock sold therein, and to provide punishment for public selling at other points within the limits of said city.

Twelfth. To license, tax, regulate, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and all other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical performances, and other exhibitions and amusements.

Thirteenth. To license, tax, and regulate auctioneers, peddlers, insurance agents, brokers, pawn-brokers, tobacco factories, warehouses, distillers, brewers, and public halls.

Fourteenth. To suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, including tippling-houses and all retailing of spirituous, vinous or malt liquors, without license, so to do, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes or gamblers, or shall suffer their property to be used or occupied by lewd or disorderly persons or gamblers, and may prescribe by ordinance such penalty therefor as they may deem expedient, not exceeding the amount prescribed for the punishment of same by the general laws.

Fifteenth. To provide for the prevention of fires, and the extinguishment of same, and to regulate and establish fire companies, and provide for the city a fire engine.

Sixteenth. To erect and keep in repair accurate public scales, and to appoint a public weigher, and fix his compensation.

Seventeenth. To erect a work-house, and provide for the regulation and government of the same.

Eighteenth. To license, tax and regulate hacks, carriages, coaches, omnibuses, carts, drays and wagons used for public hire.

Nineteenth. To license and regulate shop-keepers, coffee-house-keepers, hotels, tavern, and innkeepers, druggists, traders, grocers, and keepers of ordinaries, victualing or other houses, or places for selling of wine and other liquors, whether spirituous, vinous or malt, and to restrain all such persons from selling without license.

Twentieth. To license, tax and regulate, suppress and prohibit billiard tables, pigeon-hole, Jenny Lind, and similar tables, pin-alleys, nine or ten-pin-alleys, ball-alleys, and shooting galleries.

Twenty-first. To license, tax and regulate hawkers and peddlers, and all vendors of medicines or other

goods, wares or merchandise, whether at auction or otherwise.

Twenty-second. To authorize the city clerk to grant and issue all license to retail spirituous, vinous or malt liquors, and direct the manner and time of issuing and registering thereof; but said board of councilmen shall not grant a license to vend spirituous, vinous or malt liquors, unless the person applying therefor shall produce the receipt of the clerk of the Pulaski county court, showing that such person applying has procured State license therefor, and paid the State tax.

Twenty-third. No license shall be granted by said board of councilmen to any person to sell spirituous, vinous or malt liquor by the drink, for a greater or less period than one year, and the amount to be paid for a license to keep a coffee-house or saloon, or other house to sell spirituous, vinous or malt liquor, or any mixture thereof by the drink, or in quantities less than five gallons (except druggists who sell for medicinal purposes alone), shall not be less than six hundred nor more than one thousand dollars per annum; and said board of councilmen may discontinue said license at pleasure. But in that event, they shall repay the parties so licensed what would be an equitable pro rata of money paid for said license.

Twenty-fourth. No license to vend spirituous, vinous or malt liquor, granted by the board of councilmen of the city of Somerset, shall have any validity until it shall have been attested by the city clerk, and no such license shall authorize any person to sell such liquors under it on Sunday or on an election day, and the board of councilmen shall have the power to suspend the sale of such liquors on any public day, when, in their judgment, better order would prevail thereby.

Twenty-fifth. To regulate the keeping and conveying of gunpowder and other combustible and dangerous material.

Twenty-sixth. To prevent horse-racing and immoderate riding and driving in the streets, and to compel persons to fasten their horses, mules, oxen, or other animals attached to vehicles standing or remaining in the streets.

Twenty-seventh. To restrain, regulate and prohibit the running at large horses, cows, swine, or other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on owners of such animals for a violation of the by-law or ordinance in relation thereto.

Twenty-eighth. To prevent and regulate the playing of ball, flying of kites, shooting of fire-arms, and any other amusement or practice having a tendency to annoy persons on the streets or sidewalks, or to frighten teams and horses.

Twenty-ninth. To elect, fix, and provide for the payment of all city officers, servants, or agents, not otherwise provided for by this charter.

Thirtieth. To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and prescribe the penalties for their non-observance.

Thirty-first. To declare and announce, by proper ordinance, all vacancies in office, arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the oath of office heretofore prescribed, and, when necessary, execute the proper bonds, and enter upon the discharge of all the duties of his office until the expiration of the term for which he is elected.

Thirty-second. To make such rules, by-laws and ordinances for the purpose of maintaining the peace, good government and good order of the city of Somerset, and for the interest of the trade, commerce and manufactures thereof, as the board of councilmen may deem expedient and necessary, not repugnant to the Constitution of the United States or of the State

of Kentucky; and said board of councilmen shall have full power and authority to enforce their observance, by prescribing penalties and fines for the violation thereof, and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

Thirty-third. To define by ordinance what shall constitute peddling, and to declare who are peddlers; to fix license for the several classes of peddlers, and prescribe punishment and penalties for peddling without proper license.

Thirty-fourth. To define what shall constitute vagrancy, and to declare who are vagrants, and prescribe proper penalties and punishment therefor.

Thirty-fifth. To provide for the prevention and suppression of any riot, rout, breach of peace, noise, disorderly conduct, drunkenness, profane swearing or cursing, obscene language, indecent exposure of the person, disturbance, disorderly or unlawful assemblies in the streets, houses, or other places in the city, or any violation of the city ordinances, and for the arrest and confinement in the work-house of said city or the jail of Pulaski county, and to provide for the trial of the parties committing, engaging in, or taking part in, or aiding or abetting the same. The board of councilmen shall have power to prescribe penalties for any and all violations of the city laws and ordinances; but in no case shall the penalty exceed sixty days' confinement in the work-house or county jail, or a fine of one hundred dollars, or both. Persons confined in the city work-house for the purpose of working out fines imposed for the violation of the city laws shall be allowed one dollar per day until said fine and costs are paid.

Thirty-sixth. All persons arrested in the city of Somerset for a violation of any of the laws or ordinances thereof, shall be entitled to a speedy trial; but if arrested during the night, may be confined, by the

officer making the arrest, in the city work-house or county jail until the succeeding day, when he or she shall be taken before the recorder's court, or some other court of competent jurisdiction, for trial; and in all such cases the jailer of Pulaski county, or the warden of the work-house, shall receive the party under arrest without an order of commitment, and he or she safely keep until released for trial; and if the jailer or warden refuse to receive such prisoner, when in custody of an officer having authority to make arrests under this charter, he shall be fined for such refusal in any sum not less than ten nor more than fifty dollars: *Provided*, That in all such cases the jailer or warden is authorized to take bail-bond from the prisoner, if the charge be a misdemeanor, not exceeding one hundred dollars for his appearance before the recorder's court on the following day; and it shall be the duty of the jailer or warden to give the party so arrested a reasonable opportunity to execute bond.

Thirty-seventh. To have exclusive power and control over the streets, alleys, sidewalks, lanes, avenues, public square and commons of said city, and by ordinance or otherwise may regulate, modify and change the grade and width of the streets, alleys, lanes, avenues, sidewalks, pavements and sewers thereof, and to prevent any and all encroachments and obstructions therein or thereon.

Thirty-eighth. To provide for the removal from the city limits, or for killing, mischievous, vicious and diseased animals, and for the punishment by fines and penalties of the owners or keepers of any such animals for allowing them to go at large.

Thirty-ninth. To order and compel the owner or owners of any lot, piece or parcel of ground within the limits of the city of Somerset, at his, her or their own cost and expense, to grade, pave, construct sidewalks, culverts, curbing, guttering, and otherwise improve that portion of said lot, piece or parcel of ground which bounds upon and adjoins any street,

lane, avenue, alley, public road or public square in said city; and if any such owner or owners shall fail and refuse for sixty days to obey said order, after being notified of same, which notice shall be by the delivery by the chief of police, or by the sheriff, jailer, or any constable of Pulaski county, a copy of the order setting forth clearly what is required to be done, and attested by the city clerk, to the owner or owners of any such lot, piece or parcel of ground, and if the owner be a non-resident of the State of Kentucky, or of the county of Pulaski, then the notice shall be by publication of said order, for at least four weeks in one or more of the city newspapers, after which the board of councilmen may order the work done at the cost and expense of the city; and the city shall have a lien upon such lot, piece or parcel of ground, for the money so expended, together with all legal cost and expenses attending the collection of the same, and may cause said lien to be enforced in the same manner as is prescribed for the enforcement of mechanics' liens in chapter 70 of the General Statutes of Kentucky: *Provided, however,* That said board of councilmen shall not have authority to cause any one person to build and construct more than one hundred feet of pavement in any one year, and that all ordinances and their enforcement in relation thereto shall be equal and uniform.

Fortieth. It shall be the duty of said board of councilmen, at the first meeting after their election, and immediately upon their organization, to elect, first, a clerk; second, treasurer; third, assessor; fourth, a warden of the work-house, if there be one established; fifth, public weigher; sixth, collector of city taxes, if there be one. No one of such officers shall be eligible to fill more than one office at the same time, save the chief of police, who may be eligible as collector of city taxes. A record of the election of the city officers shall be spread upon the journal.

Forty-first. To appoint a board of supervisors of all the books showing assessment of the property of all persons for taxation, and their duties and powers shall be the same with regard to the city assessor's books as county supervisors are with regard to the county assessor's books. Said board of supervisors to consist of three members, residents of the city and qualified voters thereof, to be appointed by the mayor at the time the assessor's books are required to be returned. The supervisors shall each receive for their services two dollars per day for the time they may actually be engaged in the discharge of their duty, the same to be paid out of the city treasury.

Forty-second. To open and lay off new and additional streets, sidewalks and lanes, in such a manner as they may prescribe by ordinance; and whenever it may become necessary to procure property for any of the above-named purposes in said city, or for other municipal purposes in said city, the board of councilmen may provide by ordinance for the purchase of any designated property, and the mayor may tender to the owners of the property, if adults, the purchase money, and make the purchase if accepted; but if the owners refuse, at such price, or if the owner be a married woman, infant, or non-resident of the State, or labor under any other disability, then the property may be condemned by writ of *ad quod damnum*, in the name of Somerset against all owners or persons interested in said property, or any part thereof: *Provided, however,* That said writ of *ad quod damnum* shall not issue except for the purpose of condemning land and property for the purpose of constructing streets, sidewalks, alleys, lanes and roadways. Said writ of *ad quod damnum* shall be issued by the judge of the recorder's court, or the judge of the Pulaski county court, when there is filed before him a statement by the city attorney, of the purposes for which the land or property sought to be con-

demned is required, together with a copy of the survey of said land or property.

Forty-third. To demand and require a bond from the mayor, recorder, treasurer, assessor, collector of taxes, and chief of police, and all other officers created under this charter, if deemed necessary by them, with good and sufficient security, for the faithful performance of their duties as such officers, which bond must be approved by the board of councilmen, and spread at large upon the records of the proceedings of the board of councilmen by the city clerk.

Forty-fourth. To remove from office any member of the board of councilmen for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them or either of them; and to remove at pleasure any city officer, agent, or servant elected by the board of councilmen; but in cases of impeachment, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, which charges or allegations shall be spread upon the records of the board of councilmen. The board of councilmen shall sit as a court on oath or affirmation, and the defendant shall have the right to be heard in person or by counsel, and have the right of appeal in the same manner that appeals are taken from justices of the peace.

Forty-fifth. The board of councilmen of the city of Somerset shall have no power to enlarge the indebtedness of said city more than ten thousand dollars, over and above the receipts of the city revenue for that year; and said board of councilmen may issue bonds of the city in such denominations, and at such interest as they may desire, not exceeding six per centum per annum, and pledge the faith and credit of the city for the payment of the same; but said indebtedness shall never exceed at any time more than said sum of ten thousand dollars.

Forty-sixth. The board of councilmen shall publish annually an account of all the money received by them for the benefit of the city, and all the payments made out of the city treasury during the year, and the amount of the debts of the city, and amounts due the city, which statement shall be verified by the city clerk.

Forty-seventh. The board of councilmen shall have the by-laws and city ordinances published in book or pamphlet form, for the convenience of the city officers.

Forty-eighth. Each member of the board of councilmen shall be allowed the sum of five dollars per month for his services as councilman, the same to be paid out of the city treasury quarterly.

ARTICLE IV.

Executive Department.

Executive department.

§ 1. The mayor of Somerset shall hold his office for the term of two years, and until his successor is elected and qualified. He shall be the chief executive officer of the city of Somerset, and shall be the presiding officer of the board of councilmen, decide all points of order, and shall have the power during the session of said board of councilmen to enforce good order and decorum, and to punish contempt by fine in any sum from one to five dollars.

Term of office of mayor.

§ 2. He shall perform and discharge such duties as may be prescribed, from time to time, by ordinance, not inconsistent with this charter; and in the absence of the recorder, to issue warrants for misdemeanor, of which the recorder has jurisdiction, and to preside in any trial for such misdemeanor.

Duties of mayor.

§ 3. He may call special meetings of the board of councilmen whenever, in his judgment, it may be necessary or to the interest of the city.

May call special meetings.

§ 4. It shall be his duty to see that the laws and ordinances of the city, and that contracts made with

Shall enforce ordinances.

the city, are duly enforced, observed, and faithfully executed.

§ 5. He shall be a conservator of the peace, and when deemed necessary by him, to enforce the laws and ordinances, to save life or property, or quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of the city or of Pulaski county; and the board of councilmen may, by ordinance, prescribe suitable fines and penalties for disobedience of his orders or summons.

§ 6. In case of death, resignation, removal from office, inability or refusal to act, or temporary absence of the mayor from the city, the members of the board of councilmen shall elect one of their members mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor until the disabilities be removed, or in case of a permanent vacancy in said office, until it shall have been filled as provided herein.

§ 7. He shall give the casting vote whenever the board of councilmen are equally divided on any question or ordinance.

§ 8. The mayor shall have power to administer oaths.

§ 9. The compensation of the mayor shall be fixed by the board of councilmen, but he shall not preside when his salary is being fixed or is under consideration by the board of councilmen.

ARTICLE V.

The Judiciary.

§ 1. The judiciary power of the corporation shall be vested in and exercised by a court, to be styled the Recorder's Court of the city of Somerset, the judge thereof to be elected by the qualified voters of the city at the time of the general election of the board of councilmen, and shall hold his office for two years, and until his successor is elected and qualified.

§ 2. Said recorder's court shall have jurisdiction of all misdemeanors arising under the laws and ordi-

nance of the city, and of the State laws, when committed within the limits of said city, where the punishment does not exceed a fine of one hundred dollars and sixty days' imprisonment, and such other jurisdiction as is hereinafter given ; and said court is hereby invested with full power and authority to enforce and effectuate the jurisdiction hereby vested in it. It shall also have the power and jurisdiction of an examining court of Pulaski county, and shall, as such court, have the same power as is now granted to county judges, with like duties in such cases ; may take recognizance and bail-bonds for appearance in said court, and also recognizance and bail-bonds in cases of felony and misdemeanor, which shall be for an appearance in the Pulaski circuit court, or in any court of competent jurisdiction in Pulaski county. Said recorder's court shall hear complaints of breaches of the peace, and require sureties to keep the peace, and shall have power to commit to the work-house or county jail ; and for violations of the penal laws of the State or ordinances of the city to impose such fines and penalties as may be prescribed by the laws of the State or ordinances of the city, to the amount of fifty dollars and imprisonment in the city work-house or county jail not exceeding thirty days, or both so fine and imprison ; and with the intervention of a jury, or without a jury, if it be waived by the party charged, to the amount of one hundred dollars and imprisonment not exceeding sixty days, or both. Said court shall have jurisdiction concurrent with justices of the peace in case of disturbing religious worship or any lawful assembly, riots, disorderly conduct, unlawful assemblies, and breaches of the peace, and in all other cases within the jurisdiction of the justices of the peace, as now or hereinafter given by general law. Appeals can be taken from the judgment of said court to the Pulaski circuit court, or any court of Pulaski county of similar jurisdiction, in criminal

cases, when the judgment for fine exceeds twenty dollars, or for imprisonment exceeding ten days.

Concurrent jurisdiction of recorder's court.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Pulaski county, with justices of the peace, in all actions and proceedings for the recovery of money and personal property, where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value. Appeals may be taken from all decisions and judgments of said court to the circuit court of Pulaski county, in all civil cases, where the amount in controversy, exclusive of interest and costs, is twenty-five dollars or more, and to the Pulaski quarterly court, in civil cases, when the amount in controversy, exclusive of interest and costs, is ten dollars and under twenty-five dollars.

Regarding action as to real property.

§ 4. If, in any action pending in the recorder's court, except as herein provided, it appear that the title to real property is involved in the controversy, either directly or indirectly, it shall be the duty of the court, on motion of either party to the action, to make an order transferring said cause to the Pulaski circuit court, and to deliver the original papers and certified copies of all orders made in the action to the clerk of the Pulaski circuit court, who shall docket the same, and the proceedings shall be had thereon as though the action had originally been brought in that court.

Jurisdiction of, on motions, etc.

§ 5. Said court shall have jurisdiction in Pulaski county concurrent with justices' courts of motion against constables and their sureties, and jurisdiction exclusive of them of actions and motions where the amount claimed is less than one hundred dollars, exclusive of interests and costs, against any officer of the city of Somerset and his sureties, or any one of them, or the personal representative of any one or more of them, jointly with the survivors, for any money collected by them, or any of them, on any

execution, order of sale, or bill, or any note or account, or other claim put in their hands for collection, and which, on demand, they shall neglect or refuse to pay; and also to issue and try warrants of forcible entry and detainer, and search warrants; and in all actions, motions, and warrants mentioned in this section, the said court shall proceed in form and manner as is provided for in the General Statutes and laws of the State.

§ 6. The judge of the recorder's court of the city of Somerset (or mayor in his absence) shall issue his process in the name of the Commonwealth of Kentucky, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as judge of the recorder's court of the city of Somerset. The same shall be directed to the chief of police of the city of Somerset, or to the sheriff, jailer or any constable of Pulaski county, and shall be executed and returned by the chief of police, sheriff or other peace officer, as the case may be: *Provided, however,* That when any prosecution is instituted, and carried on at the instance of the board of councilmen of the city of Somerset, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered. The judge of the recorder's court shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or any misdemeanor, or breach of the peace, unlawful assembly, or affray, or for a breach of any of the laws and ordinances of the city of Somerset. He shall be entitled to a fee of twenty-five cents for each original judgment, twenty-five cents for recording the same, twenty-five cents for each subpoena, twenty-five cents for a certificate, and for issuing each execution or *capias pro fine*, twenty-five cents. He shall be entitled to the same fees in all other cases as are allowed justices of the peace by law for like services. The officer executing the process of said court shall be entitled to a

fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray or breach of the peace, and for all warrants for the violation of any by-laws or ordinances of the city of Somerset. He shall be entitled to a fee of twenty-five cents for summoning a witness, and the same fees from the State for serving felony warrants as sheriffs are allowed for like services, and for all other services he shall be entitled to like fees, and to the same remedies for the collection thereof as sheriffs of the State; and shall be subject to like fines and penalties for like offenses and failures, as is prescribed against sheriffs by the general laws of the State, to be recovered by action on motion in the recorder's court as is hereinafter provided for.

Pleadings, practice and mode of procedure of recorder's court.

§ 7. The pleadings, practice and mode of procedure in said court shall be governed by the Kentucky Code of Practice in civil and criminal cases except as herein provided; and all fines and forfeitures recovered in the recorder's court, and in all other courts of Pulaski county in the name of or in favor of the Commonwealth of Kentucky, for a violation of the penal laws committed within the limits of said city, are hereby granted to the city of Somerset, and when collected, after payment of all fees and costs, shall be paid to the treasurer of said city.

Shall be a court of record.

§ 8. The recorder's court of the city of Somerset shall be a court of record, and the records thereof or certified copies of same over the signature of the judge of said court shall be evidence in any court in this Commonwealth.

Duty of judge regarding gaming.

§ 9. The judge of the recorder's court, on complaint made to him, or when he has reasonable grounds to believe that there exists in any house or building in the limits of said city any faro bank, gaming-table, machine or contrivance used in betting or other game of chance, whereby money or other thing of value is bet, won or lost, may issue a warrant and cause said house to be searched by day or night for the detection of any such bank, gaming-table, machine or contriv-

ance, and if admission be not given on demand made, the officer or other person in charge of the warrant shall force an entrance, seize the said table, implements, bank, machine or contrivance, and all money or other thing staked thereon, and arrest the keeper thereof, or person in charge, or occupant of said room or building, together with such other persons as are found in the room, and bring them before the recorder's court, to be dealt with according to the ordinances of the city and the general laws of the State against gaming.

§ 10. The judge of the recorder's court shall have power, when he knows, or has reasonable grounds to believe, that a public offense has been committed within the jurisdiction of said court, to compel, by process of attachment, if necessary, any person or persons supposed to have knowledge of the facts, to appear before him to testify upon oath in relation thereto; and any witness refusing to testify or to answer any legal questions propounded to him by said judge or city attorney in relation to the subject being inquired into, shall be punished by a fine of not exceeding five dollars for each refusal and by imprisonment in the county jail until he shall answer the question.

Duty of when public offense is committed.

§ 11. The defendant shall have the right to replevy, for three months, any judgment for any fine or forfeiture in said recorder's court, and any *capias pro fine* or *feri facias* issued thereon, by giving bond with good security. A return of *nulla bona* on a *capias pro fine*, or a writ of *feri facias* on any judgment in the recorder's court, shall authorize an attachment against the property of the defendant to the satisfaction of the judgment.

Right of defendant to replevy.

§ 12. That all persons adjudged to pay fines by the recorder's court, who do not pay or replevy the same, may be confined in the city work-house or Pulaski county jail until the fines and costs of prosecution

Penalty for failure to pay fines.

assessed against them are discharged at the rate of one dollar per day for each day's confinement, and all able-bodied male persons confined in said work-house or jail, for a failure to pay or replevy fines imposed by said recorder's court or on a judgment for imprisonment by said court, shall work out said fine and costs and judgment of imprisonment under the supervision of the warden of the work-house, chief of police, or other person appointed by the board of councilmen, on any of the streets, alleys, or public grounds of said city; and such persons shall be credited on said fine at the rate of one dollar per day for each day's work, or in case of a judgment of imprisonment, he shall be credited by one dollar for each day's work on the judgment. In all cases where the defendant is committed to jail, the officer to whom costs are due shall be allowed the same out of the city treasury.

Vacancy in office
of recorder, how
filled.

§ 13. That in case of the absence from the city, sickness, death, or resignation of the recorder and mayor, or a vacancy in said offices, the presiding judge of the Pulaski county court, or the nearest justice of the peace of said county, may hold said recorder's court with all the powers of the regular judge of said court.

Shall be a conser-
vator of the
peace.

§ 14. The judge of the recorder's court of the city of Somerset shall be a conservator of the peace, and shall have jurisdiction over affrays, assaults and batteries, and unlawful assemblies, all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and good order of said city, over all cases of drunkenness, profane swearing, Sabbath-breaking, running horses, firing guns or pistols, and fire-works of any and all kinds, carrying concealed deadly weapons, blowing horns, crying aloud by day or night, or other riotous or disorderly conduct within the limits of the city, all of which are hereby declared to be misdemeanors. Said judge of the recorder's court may issue warrants of arrest for all offenses against the laws of the State or ordinances of the

city, when from his own personal knowledge, or from information from the officers of the city herein designated, or from oath of any other person, he shall be satisfied that there are reasonable grounds to believe that an offense has been committed; and for those offenses committed in his presence may order an arrest without a warrant. He shall have power, without the intervention of a jury, to summarily fine and imprison for contempt to his court officers of same, or process or precept: *Provided*, The fine does not exceed ten dollars, nor imprisonment twenty-four hours. He shall have power to order the chief of police to summon a jury in any case cognizable before him, when the jury would be required before a circuit court or a justice of the peace, and to issue subpoenas for witnesses in any case pending before him; and upon their failure to obey the summons, he may award compulsory process to compel their attendance. All trials held and had before the judge of the recorder's court shall be in the limits of the city of Somerset.

§ 15. He shall have power and authority to grant injunctions, attachments, restraining orders, writs of *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations authorizing justices of the peace or the county judge to grant and issue same, except as herein provided; said recorder shall act as clerk of his own court, but may appoint a deputy clerk, but shall be responsible for his acts as such. He shall keep a docket, order book and execution book, and such other books as may be necessary, and shall always keep them open for the inspection of the board of councilmen, city attorney and other city officers, or any other person or persons who may be interested in same or entries therein.

Power of, to grant injunctions, attachments and similar writs.

§ 16. The court must by rule fix a monthly return day of executions, and other rules governing its proceedings; shall collect tax on suits where the amount in controversy in civil cases is fifty dollars or over,

Return day for executions.

under the same conditions and regulations as are required of circuit court clerks; and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the judge of the recorder's court; and his fees for all services not herein provided for, in any case where the jurisdiction is concurrent with the circuit court, shall be the same as allowed by law to circuit clerks; and when jurisdiction is concurrent with justices of the peace, his fees shall be the same as allowed by law to justices of the peace.

Who eligible to
office of recorder.

§ 17. No person shall be eligible to the office of judge of the recorder's court of the city of Somerset unless he be a male, at least twenty-one years of age, and has resided as a bona fide resident in the limits of said city at least twelve months next preceding his election, and possesses such other qualifications as are required for county judges; and whenever a vacancy shall occur in said office it shall be filled by appointment by the board of councilmen until the next regular election, or until his successor is elected and qualified; and in case the judge of the recorder's court fails to attend at his regular term of civil court, or is unable or incapacitated to preside in any action or special proceeding or prosecution pending in said court, or if either party shall file his affidavit that said judge will not give him a fair and impartial trial, the law governing the election of a special judge of circuit court shall, as to the cause therefor and mode and manner thereof, apply to the election of special judge of said court, who shall possess all the qualifications of the regular judge of said court.

Recorder shall
execute bond.

§ 18. Before the judge of the recorder's court shall enter upon the discharge of his official duties he shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his furnishing a certificate of his election or a certificate of his appointment from the city clerk, whereupon he

shall execute bond and take the oath of office as stipulated by this act and the statute law of Kentucky.

§ 19. The regular terms of said recorder's court in civil cases shall be held on the last Thursday of each month of the year, and may be continued from day to day until the business thereof is disposed of.

Terms of recorder's court.

ARTICLE VI.

Concerning the City Attorney.

Concerning city attorney.

§ 1. No person shall be eligible to the office of city attorney who is not a qualified voter in the city of Somerset and a regular licensed lawyer. He shall be elected by the qualified voters of the city at the time of the general election of the board of councilmen, and shall hold his office for two years, and until his successor is elected and qualified.

§ 2. It shall be the duty of the city attorney to give legal advice to the board of councilmen when called upon, and to be present at the meetings of said board of councilmen if requested; and when required, shall furnish written opinions upon subjects submitted to him by the board of councilmen or their committees; to prosecute all persons in the recorder's court charged with a violation of the criminal or penal laws and ordinances of the city or the State of Kentucky; to institute proceedings for the enforcement of the forfeitures of recognizance and bail bonds in said recorder's court and the enforcement of all judgments against offenders. The city attorney shall have for his services a taxed fee, in each case, of one dollar, and thirty per cent. of all fines and forfeitures; said fee of one dollar to be taxed at cost and paid by the defendant: *Provided*, That if such attorney's per cent. of the fine amounts to five dollars, then said attorney's fee of one dollar shall not be taxed.

Duties of city attorney.

§ 3. In all civil actions in which the city is either plaintiff or defendant, it shall be the duty of said city attorney to appear on behalf of the city and

prosecute or defend said suit or suits as directed by the board of councilmen, and his fee for same shall be fixed by the board of councilmen and paid out of the city treasury.

ARTICLE VII.

Concerning city
clerk.

Concerning the City Clerk.

§ 1. No person shall be eligible to the office of city clerk who is not at the time of his election a qualified voter of the city.

§ 2. The city clerk, before he enters upon the discharge of the official duties of his office, shall execute a covenant to the city of Somerset, with good security, to be approved by the board of councilmen, conditioned for the faithful performance of his official duty.

§ 3. It shall be his duty to make a full and complete record of all the acts and doings of the board of councilmen in a book kept for that purpose, and each law and regulation or ordinance passed by said board of councilmen shall be spread in full by him on said record book; and said act, ordinance, order, or regulation for publication, whenever required to do so by the board of councilmen. It shall be his duty to make and deliver true copies of the assessor's books by the first day of January, each year, after revision by the board of supervisors, to the collector of city taxes, and take his receipt for same; and to make out suitable poll-books for the officers of the election, for elections of city officers under this act.

§ 5. It shall be his duty to issue such license as are authorized by this act, and collect the price thereof, in all cases, before the issuing of same, and pay the same, together with all moneys collected by him from any other source, as herein provided for, to the city treasurer, and take his receipt therefor, and report said collections and receipts to the board of councilmen at their next subsequent meeting.

§ 6. Said city clerk, at the end of each fiscal year, shall publish, in one of the Somerset newspapers, a full and complete report of the financial condition of the city, making therein a full exhibit of the receipts and expenses of the last fiscal year. The expense of such publication shall be paid out of the city treasury as herein provided.

§ 7. Upon the resignation, removal, or expiration of his term of office, the city clerk shall, upon application, deliver to his successor, or such person as the board of councilmen may direct, all books, papers, and records belonging to the city, and upon failure to do so he shall be subject to the same fines and penalties prescribed by law for defaulting clerks of this Commonwealth.

§ 8. The city clerk shall hold his office at the pleasure of the board of councilmen, and shall receive such compensation for his services as the board of councilmen may allow him, not to exceed one hundred and fifty dollars per annum; in addition to the amount allowed him by the board of councilmen, he shall have the right to charge a fee of fifty cents for each and every license authorized by this act issued by him, to be paid by the party or parties receiving the same.

ARTICLE VIII.

Concerning the Chief of Police.

§ 1. No person shall be eligible to the office of chief of police of the city of Somerset who is not at the time of his appointment a qualified voter of the city. He shall hold his office for a term of two years, or at the pleasure of the board of councilmen.

Concerning chief of police.

Who eligible as chief of police.

§ 2. Said chief of police shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute within Pulaski county, in criminal cases, all writs, process, warrants and orders, and to take bail, which is now or may hereafter be given to sheriffs or other peace officers, and make

Shall be a peace officer.

due return thereof. He shall be entitled for his services to the same fees to which such officers are respectfully entitled, except as otherwise provided for in this charter. He shall attend all meetings of the board of councilmen and all sittings of the recorder's court, and preserve order and act as crier at the same. He shall have power to execute and levy all process, judgments or executions, civil or criminal, which issue out of said court, and he shall have the same power to collect claims, fee-bills, and so forth, and to act in all other civil cases, and execute all process and executions in said county which are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way, and to the same extent, that sheriffs and constables are now responsible. It shall be the duty of said chief of police to execute all ordinances of the board of councilmen in pursuance of the powers herein granted to said board, wherein acts or duties are specifically prescribed for him to perform; and he shall report to the judge of the recorder's court all infractions of the ordinances of said city, and all misdemeanors or felonies committed within said city, of which he may receive information.

§ 3. He shall, before entering upon the official duties of his office, take the oath of office hereinbefore prescribed, and execute bond, payable to the city of Somerset, with surety in a sum not less than one thousand dollars, the same to be approved by the board of councilmen, conditioned that he will well and faithfully perform all the duties of his office, and pay over and account for all money collected by him upon *capias pro fines* or otherwise, on penal proceedings as chief of police, to the city treasurer, within ten days after the same has been collected; and upon payment to the city treasurer he shall take his receipt for the same, and report said collection to the board.

of councilmen at their next subsequent meeting; and in all matters relating to his office he shall be governed by the laws and ordinances of said city, the board of councilmen, and the provisions of this charter.

§ 4. The chief of police is authorized to take replevin bonds and all executions, and shall have full power to take bonds, and shall be invested with all the power and authority which is given constables as peace officers in cases cognizable before the recorder's court of the city of Somerset. May take replevin bonds.

§ 5. It shall be the duty of the chief of police, either in person or by deputy, to patrol the city at least every twenty-four hours, and to be constantly on the streets of said city, and to prevent, so far as he can, all offenses against the by-laws and ordinances and to arrest offenders; and he may have the power of the city and county to assist him in the performance of his duties, and may orally summon as many persons as he may deem necessary to aid in making arrests; and all persons failing to obey his summons without a reasonable excuse shall be guilty of a misdemeanor, and be punished by fine, not to exceed fifty dollars, and imprisonment not to exceed thirty days, or both so fined and imprisoned, to be recovered by warrant in the recorder's court. Shall patrol city every 24 hours.

§ 6. The chief of police shall have full power and authority to arrest without a warrant, when the offense is committed in his presence; and if such arrest is made at night, he shall have power to confine the party arrested in the city work-house or county jail until the following day, when he shall report said arrest and confinement to the judge of the recorder's court, who shall at once order the defendant out for trial. May make arrest without warrant.

§ 7. Said chief of police may, by and with the advice and consent of the board of councilmen, have one or more deputies, who shall have the same powers and privileges as the chief of police, and shall, together with his sureties, be as fully responsible for May appoint one or more deputies.

the neglect, misconduct, malfeasance, or other default in his proper person.

§ 8. The chief of police of the city of Somerset shall receive, in addition to the fees of his office, a salary, to be fixed by the board of councilmen in their discretion, the same to be paid monthly out of the city treasury.

Salary of chief of police.

§ 9. Said chief of police shall be appointed by the mayor, and his appointment shall be confirmed by the board of councilmen before he enters upon the discharge of the duties of his office.

ARTICLE IX.

Concerning city treasurer.

Concerning the City Treasurer.

§ 1. No person shall be eligible to the office of city treasurer who is not, at the time of his election or appointment, a qualified voter of the city of Somerset. He shall hold his office for a term of two years, or at the pleasure of the board of councilmen, and until his successor is elected or appointed and qualified.

Who eligible to

§ 2. He shall, before entering upon the duties of his office, take the oath of office hereinbefore prescribed, and execute bond, payable to the city of Somerset, with security in the sum of not less than two thousand dollars, to be approved by the board of councilmen, conditioned that he will well and faithfully perform the duties of his office, and will pay out on warrants properly drawn on him, to whomsoever named therein, and account for all moneys collected by him from any sources, persons or parties whatsoever.

Shall give bond.

§ 3. He shall be the custodian of the city funds, and shall keep a true and faithful itemized account of all the money received and paid out by him, and shall render an account of the same to the board of councilmen at the expiration of each and every month of the year.

Shall be custodian of funds.

§ 4. Upon the expiration of his term of office or his resignation or removal from office, the treasurer shall

deliver to his successor, or to such person as the board of councilmen may direct, all moneys of the city in his hands, books, property or effects under his control belonging to the city of Somerset. Shall turn over his books to successor.

§ 5. The board of councilmen shall have authority at any time to require the treasurer to execute a new bond or give additional security, and upon his failure to do so when required, the office may, by ordinance, be declared vacant. May be required to give a new bond.

§ 6. The treasurer shall keep a correct set of books, in which he shall keep a true and accurate statement of all moneys of the city raised, collected, or received by taxation, license, penalties, or otherwise paid into the treasury; and the same shall be done by all officers, even when the city may be owing them; and no money shall be drawn from the treasury except by authority of the board of councilmen, by warrant drawn on the treasurer, signed by the clerk and countersigned by the mayor. Shall keep account of all moneys.

§ 7. The city treasurer shall furnish to the city clerk a concise statement of his accounts at the end of each fiscal year, for publication as herein directed, and said treasurer shall always keep his books open for inspection of the board of councilmen, or any person, either directly or indirectly, interested in the entries therein; and on failure to do so when required may be punished by fine to be fixed by ordinance and recovered by warrant in the recorder's court. Shall furnish statement of his accounts.

§ 8. The treasurer shall receive such compensation as the board of councilmen may allow him, and not to exceed two per cent. of the city funds. Compensation of .

ARTICLE X.

Concerning the Assessor and Collector of City Taxes. Concerning assessor and collector of city taxes.

§ 1. No person shall be elected to the office of city assessor who is not, at the time of his election or appointment, a qualified voter of the city of Somerset. He shall hold his office for the term of two Who eligible.

years, or at the pleasure of the board of councilmen, and until his successor is elected and qualified. He shall receive such compensation for his services as the board of councilmen may allow him, not to exceed seventy-five dollars per annum.

Shall execute
bond.

§ 2. He shall, before entering upon the duties of his office, take the oath of office hereinbefore prescribed, and prescribed for county assessors, section 2, article 5, chapter 92, of the General Statutes, and execute bond payable to the city of Somerset, with security in the sum of not less than one thousand dollars, to be approved by the board of councilmen, conditioned that he will well and faithfully assess all the property and tithables of the city, and faithfully perform the duties of his office as herein prescribed; and he shall be controlled in his duties, in the assessment of persons and property of the city, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by the city ordinances.

Duties of.

§ 3. It shall be the duty of said assessor to assess the taxable property of the city for each year as of the fifteenth day of September, and he shall enter upon his duties as soon after the fifteenth day of September as possible; and it shall be the duty of the board of councilmen to provide said assessor with blanks on which to make returns of his assessments, and he shall return said lists, compiled in book form, alphabetically arranged, to the city clerk for the action of the board of supervisors on the twentieth day of November each year. Said assessor shall keep two separate lists or books, one for the whites and the other for the blacks.

Who shall be
listed for tax-
ation.

§ 4. Said assessor shall list for taxation every person or corporation herein made liable for taxation, and make due return thereof, under appropriate heads, on the blanks mentioned in section 3 of this article. Before taking each list he shall require the person giving said list to make oath that he will render a fair, full-

and just valuation of every species of property belonging to him, or others in his possession, to be listed by him for them, subject to taxation on the fifteenth day of September last.

§ 5. The president or other chief officer of corporations shall list their property for taxation, and when the assessor can not find the person to be listed, he may return the fact with the best estimate he can make of his taxable property, obtained from any sources, persons or parties whatever. The sureties on such bond shall be responsible for the amount of moneys of the city which shall come into the collector's hands during his term of office.

§ 6. The collector shall, after the assessor's books ^{Shall collect taxes.} have been placed in his hands, proceed, without unreasonable delay, to collect all the taxes for the year, and he shall keep an account of the different kinds of taxes collected, and from whom collected, separately, pay them over to the treasurer and take his receipt for the same, specifying the different kind of taxes paid and by whom paid; and the treasurer thus receiving said taxes shall enter them on his book provided for that purpose in the same way.

§ 7. The city collector of taxes shall hold his office ^{Term of office.} for the term of two years, or at the pleasure of the board of councilmen, and until his successor is elected or appointed and duly qualified. He may at any time be required by the board of councilmen to give a new bond or additional security, and upon the expiration of his term of office, or his resignation or removal from office, he shall deliver to his successor, or to such persons as the board of councilmen may direct, all the moneys, books, property or effects under his control belonging to the city of Somerset.

§ 8. The collector of city taxes shall be entitled to ^{Compensation of} such compensation for his services as the board of councilmen may fix, not exceeding ten per cent. of the amount of taxes collected by him.

ARTICLE XI.

Concerning revenues and taxes.

Concerning Revenues and Taxes.

§ 1. An annual tax of not exceeding forty cents upon each one hundred dollars in value of the real and personal property herein directed to be assessed for taxation, due and payable for the fiscal year assessed, shall be paid by the owner or person assessed in the city, and an annual poll-tax of not exceeding one dollar, shall be levied and collected of each male citizen of said city over the age of twenty-one years. The rate of taxation for each fiscal year shall be fixed by the board of councilmen as soon as the assessor has returned his lists and tax-books, and the same shall have been examined and revised by the board of councilmen.

Lien for taxes § 2. The city of Somerset shall have a lien for all taxes which shall attach on real estate on the fifteenth day of September, annually, and such lien shall be perpetual for all taxes which may become due said city under this charter, with the interest and penalties in each until payment; and said lien shall not be defeated by gift, devise, sale, alienation, or any other means whatever.

§ 3. All property, choses in action, moneys, deposits, stocks of any and all corporations doing business in the city, rights or demands not exempt from taxation under the general laws of this State, shall be subject to taxation as herein provided for city purposes, and shall be listed and assessed according to the value thereof on the fifteenth day of September in each year.

§ 4. All taxes levied by the board of councilmen of the city of Somerset under this act shall be due and payable at the office of the collector of city taxes on the first day of January of each year. If not paid on or before the first day of April following, five per cent. shall be added as damages, and collected as the taxes. Said five per cent. is for the benefit of the city

and not the collector. The lien herein given for taxes shall apply in the same manner to the five per cent.

§ 5. After the first day of May in each year, it shall be the duty of the collector of city taxes to immediately levy all uncollected taxes on the property of those owing the same, and proceed to enforce the lien aforesaid. After making said levy, the tax collector shall advertise, for at least fifteen days, by written or printed notices, the time and place of sale of said property, as in sales of like property under executions. Said lien shall first be enforced on the personal property of the delinquent; and if the same shall not be sufficient to satisfy said taxes, with the damages and costs of sale, then said lien shall be enforced on the real property of the delinquent. The purchaser of any personal property at any tax sale shall have the full legal title and possession thereof immediately on complying with the terms of the sale. All sales for taxes provided herein shall be for cash. In selling real property for taxes, the tax collector shall sell the least quantity thereof that will be sufficient to pay the amount of taxes with damages and costs. If necessary, from want of bidders, or any other cause, he may sell the whole of the property levied on; and if no one will bid the full amount of taxes, damages and costs due, then the tax collector shall bid the same in for the city of Somerset, and said city shall have the same title to said property so purchased that a private purchaser would have. After making a sale of realty, the tax collector shall give the purchaser his certificate of sale, which shall contain a description of the property sold, with the price and time of sale. The certificate shall be recorded in the office of the Pulaski county clerk within sixty days after the sale.

§ 6. The owner of any real estate so sold, or his agent or his personal representative, shall have the right to redeem the same at any time within two years from the day of sale, by paying to the purchaser

thereof, or to the county clerk, the amount for which said property was sold, with twenty-five per cent. damages thereon, and all costs thereon, and all costs paid by the purchaser after his purchase, with interest on the whole sums at the rate of six per cent. per annum from date of sale. When payments shall have been so made as provided herein, the purchaser or the county clerk shall enter in the record book, on the margin thereof next to the certificate, the fact of such payment, and such entry shall operate as a full and complete release of any lien or incumbrance by reason thereof.

§ 7. If the property sold for taxes is not redeemed in the time and manner herein required, it shall be the duty of the city attorney to prepare, and the collector in office to execute, a deed therefor to the purchaser, which shall convey the full and perfect legal and equitable title thereto.

§ 8. Nothing herein shall be construed to prevent the collector of taxes from levying the taxes at any time after they become due.

§ 9. If the tax collector of the city of Somerset, having taxes of any kind or character or other public dues to the city in his hands for collection, believes another person is indebted in money or property to the person owing the taxes or public dues, he shall deliver to the person owing the taxes, if in Pulaski county, and to the person owing him, anywhere he may be found, or cause it to be done, written or printed notice, in substance as follows: Mr. A—— B——, the taxes due by C—— D—— to the city of Somerset amount to the sum of \$——. To that extent you are notified not to pay or deliver to him any money or property which you are now or may hereafter be indebted to him, and to appear before the judge of the recorder's court of the city of Somerset on the——day of——, 18—, to show cause, if any, why you shall not be adjudged to pay said taxes——. This——day of——, 18—. ———, Collector.

§ 10. This notice shall be signed by the tax collector, and shall operate to enjoin the person or persons named in it from paying the amount mentioned in the notice, money, property, notes, accounts or other things of value, owing at the time of service of the notice or accruing thereafter, until the matter is heard by the recorder's court. On hearing by said court, the person indebted to the party owing the taxes shall be compelled to disclose on oath, in open court, all matter of accounts or indebtedness, whether for money, property or labor owing at the date of the notice, or incurred thereafter. The court shall direct the person owing the party from whom the taxes are due, to pay or deliver any money, property or other thing then, or at the time the notice was served, coming to the party owing the taxes, to the collector to the extent of such taxes and costs, or to the extent of his liabilities, including such as accrues after notice, though paid or discharged; and if it be property, the collector shall sell the same in the manner he is directed to sell like property when sold for taxes. If the person so indebted to the party owing the taxes fail to attend, or fail to make disclosures, the court shall render judgment against them for all taxes due and costs.

§ 11. The person owing the taxes shall not be discharged from liability for them until they are fully paid or the amount of said taxes realized from the proceedings aforesaid. All persons indebted to the party owing said taxes may be included in the same notice, though they reside out of Pulaski county.

§ 12. The proceedings shall be docketed in the name of the board of councilmen of the city of Somerset. The court may hear evidence and direct the payment of the taxes as may deem proper.

§ 13. The collector shall make report in writing to the county clerk, signed by him, within thirty days after a sale of real estate, as provided, showing where

the sale was made, to whom made, and the price received, and giving a description of the land sold as fully as he is able to do, which report shall be recorded by the county clerk; the fees for recording same are to be paid by the city of Somerset and taxed as part of the costs of sale.

§ 14. Any minor, married woman, or other person laboring under disability, shall have one year after the removal of the disability in which to make the redemption provided herein.

§ 15. In addition to the tax of not exceeding forty cents on the one hundred dollars' worth of property in said city as herein provided, for, the board of councilmen may cause to be levied a specific tax of ten cents on each one hundred dollars in value of all the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, to be paid by the owner or persons assessed in said city. The fund created by said tax of ten cents shall be set apart for the purpose of providing a fund for extending and improving the water supplies of the city, and to provide means for extinguishment of fires occurring in the limits of the city, and shall be used for that purpose only.

ARTICLE XII.

Concerning Elections.

Concerning elections. § 1. The mayor of the city of Somerset shall, ten days before every city election, cause public notices, under his signature, to be given of same, either by publication in some newspaper published in the city or by written or printed notices posted one on the court-house door, one at the post-office, and one at the voting place in each ward of the city, and shall, at the same time, appoint suitable persons as officers of the election—two persons as judges, one as clerk, and one as sheriff of the election in each ward. All officers of all city elections under this act shall be governed, in

all matters not provided for herein, by the election laws of the State, and be liable to penalties imposed by the laws of the State governing the election of State officers, with the same fees, to be paid by the city.

§ 2. No person shall be entitled to vote at any city election who is not a male citizen of the United States, and twenty-one years of age, and who has not resided one year in the State and sixty days as a bona fide resident in the ward in which he offers to vote, next preceding the election at which he offers to vote: *Provided, however,* That any person with the requisite qualifications of a voter, who has resided in said city for more than one year as a bona fide resident thereof, may, on removing out of one ward into another, vote after a residence of five days therein. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the city elections of Somerset for all city officers, subject to all the qualifications of this act touching the qualifications of the voters.

§ 3. All elections under this charter shall be *viva voce*, and shall be held between the hours of eight o'clock in the morning and five o'clock in the evening. The first general election under this charter shall be held within twenty days after the passage of this act, at which time all city officers directed by this charter to be elected by the qualified voters of the city of Somerset shall be elected, and they shall qualify and enter upon their duties within ten days after their election. The second general election shall be held on the first Monday in January, one thousand eight hundred and ninety (1890), and every second year thereafter an election shall take place as herein required by the qualified voters of the city for the election of said city officers.

§ 4. The poll-books of all the elections for city officers shall be signed by the officers of the election, countersigned by the clerk of the election, and by

him returned to the city clerk, who shall keep them on file. The mayor and two councilmen, not candidates, selected by him, together with the city clerk, shall constitute a board to examine and compare the poll-books of each ward, and issue certificates of election to persons entitled to same. Said board shall have the same powers and perform similar duties as are enjoined by the laws of this State upon the board to compare poll-books in elections for county officers. If the mayor be a candidate, then the county clerk shall perform his duties; and if the mayor and more than three councilmen be candidates, then the county judge, clerk, and sheriff of Pulaski county, together with the city clerk, shall constitute said board. The board of councilmen shall judge of the qualifications, elections and returns of its members; and all cases of contested elections shall be heard and determined by said board of councilmen, under such rules as may be prescribed by ordinance: *Provided*, That the member or members of said board whose office may be contested shall not vote or act in the matter relating to the contest affecting himself.

§ 5. The term of office of all officers elected by the qualified voters of the city of Somerset shall begin on the following Monday in January after their election, and they shall enter upon the discharge of their duties, after the commencement of their term, as soon as they are qualified, and shall hold their office for two years, and until their successors are duly elected and qualified as herein provided: *Provided, however*, that the officers elected at the first election under this charter shall hold their offices until their successors are elected and qualified as herein provided, in January, one thousand eight hundred and ninety (1890). The term of office of all officers elected by the board of councilmen, or appointed by said board, shall commence upon their said election or appointment, and they shall enter upon the discharge of their duties

as soon thereafter as they are qualified to do so under the provisions of this charter.

ARTICLE XIII.

Concerning Writs of Ad Quod Damnum.

Concerning writs
of ad quod dam-
num.

§ 1. The writ of *ad quod damnum* authorized herein shall designate the land or property to be condemned, and may include that of several persons, and shall be directed to the chief of police of the city of Somerset or sheriff of Pulaski county.

§ 2. It shall direct him to hold an inquest by a jury of twelve impartial, discreet freeholders of the city or county, to ascertain the amount of damages each owner will sustain if it be condemned for the purpose asked.

§ 3. The officer to whom the writ is directed must, before executing the same, give the party or parties whose land or property is required at least ten days' notice of the time and place of holding the inquest, if in the county; and if not in the county, then his agent, and if there be no known agent in the county, then to the tenant; and if there be no tenant, then by publication in one of the city newspapers for four weeks, which shall be notice to the owner or owners thereof; but if the land or property required shall belong to infants or persons of unsound mind, in whole or in part, the officer shall notify the testamentary or statutory committee, guardian, or next friend, and if none in the county, it shall be the duty of the court issuing the writ to appoint some responsible person to act for such infant or person of unsound mind, on whom the officer shall execute the notice in writing, whose duty it shall be to attend the inquest and take care of the interests of the infant or person of unsound mind, and to traverse the finding of the jury, if, in his opinion, it is to the interest of the person for whom he is appointed so to do; and for his services he shall be allowed a reasonable fee, to be paid by the plaintiff.

§ 4. The jurors shall be sworn to truly and impartially ascertain and determine by their inquest the amount of compensation each owner will be entitled to if his land or property, as named in the writ, be condemned.

§ 5. The inquest shall be signed by each juror, handed to the officer holding the inquest, and returned by him with the writ within three days to the court from whence it issued.

§ 6. If the jury can not agree, or the requisite number do not meet on the day fixed, the officer may discharge it and summon another jury or other juries; and if, from any cause, the inquest can not be held or completed on the day appointed by him, he may adjourn it from time to time until it is held and completed, without further notice than his proclamation made at the time.

§ 7. The jury, after being duly sworn by the officer holding the inquest, shall view the land and property of the owners, and shall allow the fair cash value of the same; also fair compensation for additional fencing, which may be rendered necessary thereby; and also for incidental or collateral damages, which the said taking will produce to the other land of the owner; but for such incidental or collateral damages shall be deducted the amount in value of the benefits and advantages such other land will derive from the said condemnation and taking.

§ 8. The verdict of the jury shall be in substance as follows: "We the jury find that —, named in the writ herein, will sustain — dollars damages in taking the required land or property for the purpose named, and we have taken into consideration, in making our verdict, the fair cash value of the — proposed to be taken in benefits and advantages to them, and the damages to be sustained by the construction or erection of the —."

§ 9. Either party may, within ten days after the finding of the inquest, file a traverse thereof with the

clerk of the Pulaski circuit court; whereupon, the case shall be docketed for the next term, if it is ten days after the inquest; otherwise at the next term. It shall be tried by a jury of freeholders empaneled for that purpose. The party failing on the traverse shall pay the costs thereof, and the party traversing fails when the verdict traversed is not increased or diminished as his interests may require. The costs of the inquest upon the traverse shall be paid by the party asking the condemnation: *Provided, however,* That the amount finally recovered be no greater than the amount tendered before the application for the writ, then the said costs shall be paid by the owners of the land or property.

§ 10. In all cases where a writ of *ad quod damnum* shall be issued, and a verdict found under this act, and the same be not traversed, the city (or its representative) may tender to the owner of the land or property, or pay into court whence the writ issued, the amount of the verdict of the jury; and thereupon the said court shall make an order confirming the verdict, and such confirmation shall vest the right of the land or property in the city, and a writ of possession may issue at any time therefor.

§ 11. When the finding of the jury is traversed by the owner of the land or the property, the city (or any one representing it) may file a bond in the clerk's office where the traverse is pending, conditioned for the payment to the party entitled to the same of the final assessment of the damages and costs in the case, said bond to be signed as vouchers of the city are signed, and to be binding on the parties individually who may sign it as mayor and city clerk, but said signing by the mayor and clerk shall pledge the city's credit to its performance, and the clerk of said court shall not require any security on said bond; and upon the filing of the same it shall be lawful for said city to proceed with the work, as though the damages

were finally assessed and paid, and no action of trespass shall lie therefor.

§ 12. When the damages for the taking are settled on a traverse in the circuit court, the said court, upon a tender being made in court of the said damages, or payment or tender thereof to the owner, shall confirm the verdict of the jury, which confirmation shall vest the land or property required in the city, and a writ of possession may issue at any time therefor.

§ 13. If the damages assessed are not paid before the end of six months next issuing the verdict (unless there is a traverse pending), the applicant shall be considered as having abandoned the prosecution of the writ, and all former proceedings shall be of no effect.

ARTICLE XIV.

Miscellaneous Provisions.

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of Somerset.

General laws when not inconsistent shall apply.

§ 2. Any officer authorized in this act to execute any process requiring or authorizing or allowing bail shall have the authority to take the bail except for felonies.

Power to take bail.

§ 3. No member of the board of councilmen of the city of Somerset, or officer of the city, shall be or become, directly or indirectly, interested pecuniarily in any contract for work and labor on the streets of said city, or in any contract in which the city is interested, under a penalty of a fine not exceeding fifty dollars, and imprisonment not exceeding thirty days for each offense.

No officer shall have any interest in any contract for work for city.

§ 4. No ordinance of a penal nature shall be passed by the board of councilmen without being publicly read at two regular meetings, at the last of which the vote upon the passage of same shall be by yeas and nays and entered on the record; and all such ordinances shall take effect from and after their pas-

All penal laws shall be passed by yeas and nays vote.

sage, and publication in some newspaper published in the city of Somerset.

§ 5. The authority guaranteed the board of councilmen of the city of Somerset to license taverns, coffee-house-keepers, and other houses or places for the sale of wines and other liquors, spirituous, vinous or malt, is subject to the right of the citizens of said city to vote into operation the general law known as the "local option law," within the limits of said city, and during the continuance of this said right shall be suspended; and it shall be the duty of said board of councilmen, during the existence of said law, to enforce the same; and they may prosecute violators of said law in the recorder's court, and recover the penalties of the same for the use of the city.

License for sale of intoxicants subject to the will of the people.

§ 6. The fiscal affairs of the city shall be computed from the first day of January of each year to the first day of January of the following year.

Fiscal affairs shall be computed from 1st January in each year.

§ 7. This charter shall go into full effect and be in full force as a law from and after its passage, and thereafter be the charter of the city of Somerset; and all acts and parts of acts heretofore enacted, coming in conflict with this act, or any provisions thereof, are hereby repealed.

Charter, when to go into effect.

§ 8. The present board of trustees of the town of Somerset shall continue in office, and exercise the powers conferred by this act upon the mayor and board of councilmen of the city of Somerset, until the mayor and board of councilmen shall have been elected as herein provided, and until a majority of the councilmen have qualified under this act. It shall be the duty of the present board of trustees to appoint for each ward the officers for the election to be held as herein provided, and to fix a voting place in each ward, of which they shall give notice by publication in one of the city newspapers, and by printed notices posted on the court-house door, and in three conspicuous places in each ward, at least ten days before the election. But the board of councilmen

Present board of trustees shall act until successors are elected.

may by similar notice change the voting place in any ward after the first election held under this charter.

§ 9. The chairman of the present board of trustees, and any two members of the board selected by him who are not candidates, shall constitute a board to compare the poll-books at the city election for city officers to be held within twenty days after the passage of this act, and they shall issue certificates of election to the persons entitled thereto. If more than three of said board are candidates, then the county judge, clerk and sheriff of Pulaski county shall perform that duty.

§ 10. The board of councilmen of the city of Somerset shall hold at least two meetings in each month of the year for the purpose of transacting business.

Approved February 16, 1888.

CHAPTER 168.

AN ACT to authorize the county of Jessamine to subscribe aid to any railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county of Jessamine may subscribe any amount, not exceeding one hundred and fifty thousand dollars, to the capital stock of any railroad as hereinafter provided, and may pay therefor in the negotiable coupon bonds of said county, payable not more than thirty years after date, and bearing interest at a rate not to exceed five per centum per annum, payable semi-annually, and which bonds and interest shall be payable at a place designated therein.

§ 2. Whenever application shall be made to the county judge or the county court of said county, by a petition of twenty-five resident tax-payers therein, requesting that the question of subscribing to the capital stock of the railroad company, upon the terms and conditions set forth in said petition,

be submitted to a vote of the legal voters of said county, the county court or the county judge thereof may order an election to be held in such county, on a day named therein, to ascertain the sense of the legal voters thereof upon the question of making such subscription, and to cause notice thereof to be published in such county, in a newspaper published therein, not less than ten days before such election, and to be posted at the court-house door in such county; and at such election votes shall be received "For the railroad subscription" and "Against the railroad subscription." Officers of such election shall be appointed and hold such election, and make return thereof to the clerk of the county court in the manner provided in ordinary county elections.

§ 3. As soon as may be thereafter, the county judge Count of vote. of such county and the county clerk thereof shall count the vote, and if it shall appear that a majority of the votes cast at said election were in favor of such subscription, the county judge shall thereupon order the result of the vote to be entered of record, and the subscription to be made by the clerk in behalf of said county to the capital stock of the said railroad company in accordance with the terms of the proposition so voted on; and he shall thereupon cause to be prepared and executed the negotiable bonds of such county as before mentioned, which shall be signed by him as county judge, and attested by the county clerk, with his official seal affixed thereto, and the coupons shall be signed by said clerk by engraved signature.

§ 4. And the county judge of such county shall Bonds, how disposed of. order that such bonds shall be deposited with a trustee or trust company, to be held in escrow, and delivered to the said railroad company when it shall become entitled to the same by the construction of its road through such county: *Provided, however,* That such trust company or trustee shall, before receiving such bonds, give bond with good surety, approved

by the county judge, for the faithful performance of his or its duty in the premises.

Annual tax. § 5. An annual tax sufficient to pay the interest on such bonds and the principal when it shall become due, shall be levied and collected and paid out by the officers of such county, as provided in the case of other county taxes.

§ 6. That this act shall take effect from its passage.

Approved February 16, 1888.

CHAPTER 169.

AN ACT to amend an act providing for the improvement of the Fountain Ferry road, in Jefferson county, Kentucky, from the western boundary of the city of Louisville to the bank of the Ohio river, at the cost of the property-holders benefited thereby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creating tax district. § 1. That for the purpose of maintaining, repairing and keeping in order said Fountain Ferry road, a tax district is hereby created, and that said tax district shall include all the property fronting on that part of said Fountain Ferry road as was macadamized heretofore.

Boundary of tax district. § 2. That for the purpose of more fully describing and defining said tax district, that all property (public roads and schools excepted) lying in and within four hundred feet of the center and on each side of said Fountain Ferry road, and beginning at the western end of Market street, or the limits of the city of Louisville, and continuing along the above described road to the end of the macadamized part thereof, and near to the bank of the Ohio river, shall constitute the said tax district.

County judge to appoint commissioners to fix rate of taxation. § 3. That the judge of the Jefferson county court shall annually, not later than the second Monday in May, appoint three commissioners, property-owners in said district, who shall, when appointed, within

the period of one month, determine what rate of tax shall be necessary to repair and maintain said Fountain Ferry road for the ensuing year; said commissioners shall serve without compensation.

§ 4. The said rate of tax shall in no event exceed the sum of ten cents per front foot on each side of said road, and only that property fronting on said road shall be taxable. Limitation to tax.

§ 5. That for the purpose of collecting said taxes that the said commissioners shall annually (not later than the second Monday in the month of June) report to the judge of the Jefferson county court the amount necessary to be levied in said district; and the said judge shall order the sheriff of Jefferson county to collect the said tax as other taxes are collected in said county, under such regulations and penalties as are now in force in the collection of county and State taxes; said sheriff shall be entitled to four per cent. commission on all sums collected under this act, and in lieu of all other commissions he may be entitled to under the general law. Commissioners shall report amount of tax to county judge. Tax, how collected.

§ 6. This act shall in nowise affect the obligation of the county to repair and maintain said Fountain Ferry road. Obligation of county:

§ 7. The sheriff of Jefferson county shall pay over to the commissioners all taxes collected by him under the provisions of this act; and the said commissioners are hereby authorized to expend the money so collected from the sheriff by contract or otherwise in the improvement and repairs of said road. Sheriff directed to pay over taxes.

§ 8. This act shall take effect from and after its passage.

Approved February 16, 1888.

CHAPTER 170.

AN AOT to incorporate the town of Salt Lick, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Salt Lick, in Bath county, Kentucky, be, and it is hereby, incorporated, with corporate powers, duties and responsibilities.

Incorporated. § 2. That the boundary of said town shall be one-half mile in every direction, from a point in the center of the railroad (now in said town), directly in front of the door of the depot building as it now stands.

Trustees. § 3. That the municipal affairs of said town shall be managed and controlled by five trustees, who shall be elected by the qualified voters in said town on the Election of trustees. first Saturday in May, 1889, and annually thereafter; and said trustees so elected and qualified shall hold their offices for one year, and until their successors are elected and qualified. Said trustees, before they enter upon the duties of their office, shall take an oath, before some person authorized to administer an oath, to faithfully discharge the duties of their office.

Chairman. § 4. Said trustees shall elect one of their number chairman, who shall preside at their meetings, and who shall have power to convene the board when in his opinion the interest of the town demands it. They shall also elect a secretary or town clerk, who may be Secretary. one of their number, whose duty it shall be to record all the proceedings of their meetings; and they shall also Treasurer. elect a suitable person for treasurer, who may also be one of their number, whose duty it shall be to receive and receipt for all money collected by the marshal and police judge, belonging to said corporation, together with all moneys due and belonging to said Police judge. corporation. He shall execute bond to the Commonwealth of Kentucky, for the use of said corporation, Bond to be given. with approved security, for the faithful discharge of

his duties; said bond to be approved by said board of trustees. Said trustees shall be known by the name of the Trustees of the Town of Salt Lick, and shall be a body-corporate, and shall have power to contract and be contracted with, sue and be sued, Sue and be sued. plead and be impleaded, answer and defend, and do all acts and things, either in law or equity, as bodies-politic and corporate having perpetual succession may rightfully do and perform.

§ 5. The trustees of said town shall have power to lay off and establish any new streets or alleys, alter and change any of the streets of said town, and receive all necessary conveyances in relation thereto May lay off and establish streets. to said town, and shall have the right to transfer by sale and convey any property belonging to said town. Said trustees shall have control over the streets, alleys and sidewalks of said town, which is now or which Conveyances. may hereafter be opened, and may improve the same Control over streets. as they may deem best.

§ 6. Said trustees shall have power to levy and collect, annually, an ad valorem tax of not exceeding fifty cents on the one hundred dollars' worth of taxable property in the corporate limits, and a poll-tax of not exceeding one dollar for any one year from each male inhabitant residing inside of the town limits. They shall have full power to make any and all necessary by-laws, and pass all ordinances for the good of said town, not inconsistent with the laws and Constitution of this State, and may fix penalties for the violation of them, not exceeding a fine of one hundred dollars, and imprisonment not exceeding fifty days, for the violation of any one ordinance: *Provided*, No ordinance shall take effect until a copy thereof shall have been posted up by the secretary for ten days in three conspicuous places in said town. Levy taxes.

§ 7. That there shall be elected by the qualified voters of said town a police judge and town marshal, on the first Saturday in May, 1889, and every two years thereafter, to hold their office for the term of Police judge to be elected.

two years, and till their successors shall be duly elected and qualified. The police judge shall be commissioned by the Governor of this Commonwealth upon a certificate of his election or appointment being filed with the Secretary of State.

Marshal.

Officers to give bond.

§ 8. The marshal and police judge shall, within thirty days after their election, qualify by executing bonds before the Bath county court, with good security, for the faithful discharge of the duties of their respective offices, and take in said court the oath required by the Constitution of Kentucky, which bonds shall be kept on file in the Bath county clerk's office.

§ 9. That if any officer elected or appointed for said town fail to qualify as such for thirty days after their election or appointment, the said office shall be vacant.

Officers of elections.

§ 10. The trustees, at least fifteen days before the elections herein provided for, shall appoint two competent persons, citizens of said town, as judges, who, being first sworn, shall, in conjunction with the secretary of the board, conduct said elections, and certify same to the board of trustees.

Police judge's jurisdiction.

§ 11. Said police judge shall have jurisdiction concurrent, criminal, penal, legal and equitable with justices of the peace of Bath county, and shall have exclusive jurisdiction over all cases arising from the infraction or violation of any of the by-laws of said town, and shall have the same fees, rights, duties, liabilities and responsibilities as justices of the peace of Bath county.

Marshal.

Powers and duties.

§ 12. The town marshal shall procure evidence in cases affecting the town and within Bath county. He shall have the same power and authority to serve and execute all process, civil, criminal, or penal, that constables now have ; and he shall be subject to the same liabilities, together with his securities, in the same manner and to the same extent as constables under the general laws. The marshal shall, for his services,

receive the fees allowed by law to sheriffs or constables for similar services. Fees of marshal.

§ 13. The trustees shall cause all by-laws and ordinances passed by them to be recorded in the journal of their proceedings, and have posted up a copy of the same in a public place in said town. By-laws.

§ 14. It shall be the duties of the trustees to fill any and all vacancies occurring in any of the offices aforesaid by appointment until the next regular election, and said trustees may, for good cause, remove the marshal from office. Vacancies.

§ 15. That the clerk of the board of trustees shall perform all the duties which the trustees may prescribe in relation to the assessing of property for the purpose of levying the taxes imposed by the trustees. Clerk's duties.

§ 16. Any three of said trustees shall constitute a quorum for the transaction of business. That chapter 33 of the General Statutes, regulating elections, and chapter 107 of the General Statutes, entitled Towns, are hereby made a part of this charter, in so far as the same are not inconsistent with this act. Quorum.

§ 17. The said trustees shall have the right to contract and agree with the jailer of Bath county as to compensation for dieting and caring for any prisoner who may be committed for an infraction of their by-laws. Contract with jailer.

§ 18. The police court shall be open at all times for the trial of penal cases, and for the trial of all violations of any of the by-laws of said town; and the police judge may hold court for the trial of civil cases four times in each year, the terms of which shall be fixed by said police judge, and governed by the law regulating justices' courts, and notice thereof given by posting the same in some public place in said town. Police court open at all times.

§ 19. That there shall be exempt from taxation under this act, for town purposes, all property belonging to and owned by said town, Bath county, the Exempt from taxation.

State of Kentucky, the United States, any church, school-house and grounds thereto attached, used solely for school purposes, and also all pasture or agricultural lands; but in case any road or street, fronting or running through pasture or agricultural lands, is graded or macadamized by the town, then such lands, to the depth of one hundred and fifty feet from, and fronting upon, said street or road so made, shall be listed and taxed as other property in said town, to aid in the payment of such grading or macadamizing.

Property taxed
for street im-
provements.

§ 20. The taxable property of said town shall be assessed at its market value in currency on or after the first day of May in each year. The trustees may correct and revise the assessment so as to do justice to all.

Assessment of
property.

§ 21. That said trustees shall have the right to prohibit the selling, giving or loaning of any spirituous, vinous or malt liquors by any person or persons within said town, or within one mile of the corporate limits of said town, and to affix a penalty therefor, not exceeding the sum of fifty dollars for each offense.

Sale of liquors
may be prohib-
ited.

§ 22. That J. H. Coyle, B. F. Rice, H. S. Pearce, William Barnes and J. C. Campbell are hereby appointed trustees of said town, and C. H. Whitcomb is hereby appointed police judge, and W. R. Stephens marshal of said town, who shall hold their offices, after their qualifications and executing bonds as hereinbefore provided, until the first Saturday in May, 1889, and till their successors are elected and qualified.

Trustees ap-
pointed.

§ 23. That said trustees may grant license to retail spirituous, vinous or malt liquors, and direct the manner and time of issuing and registering thereof, and all fees to be paid therefor. But said trustees shall not grant a license to vend spirituous, vinous or malt liquors unless the person so applying therefor shall produce the receipt of the Bath county clerk,

Trustees may
grant license to
sell liquors.

showing that such person so applying has procured State license therefor and paid the State tax therefor.

§ 24. This act shall take effect and be in force from and after its passage.

Approved February 16, 1888.

CHAPTER 171.

AN ACT to amend an act, entitled "An act to incorporate the Mount Sterling Coal Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Mt. Sterling Coal Road Company," approved February 13, 1874, be, and the same is hereby, amended by striking out the words "fifteen thousand dollars," where they first occur in the sixth section of said act, and inserting in lieu thereof the words "thirty thousand dollars;" also by striking out the words "not exceeding ten per cent per annum," in the same section, and inserting in lieu thereof the words "not exceeding six per cent. per annum."

Amendment to original act.

§ 2. That the counties of Montgomery, Menefee, Wolfe, Morgan, and Breathitt are hereby authorized to subscribe to the capital stock of the Kentucky and South Atlantic Railway Company (such being the present name of said corporation, as provided by an act of the General Assembly, approved January 14, 1882,) in the manner hereinafter specified, and in not exceeding the following amounts, respectively, viz: Montgomery county, not exceeding one hundred and twenty-five thousand dollars; Menefee county, not exceeding twenty-five thousand dollars; Wolfe county, not exceeding fifty thousand dollars; Morgan county, not exceeding one hundred thousand dollars; and Breathitt county, not exceeding one hundred thousand dollars. Whenever the said railway com-

Names of counties authorized to subscribe stock.

pany shall request the county judge of either of said counties to subscribe upon behalf of such county, upon specified conditions, a specific amount, not exceeding the amount hereinbefore authorized as to such county, to the capital stock of said railway company, such judge shall forthwith call together the justices of the peace and submit such request to the same; and if a majority of all said justices, the county judge voting also, assent thereto, they shall submit the question of such subscription to the qualified voters of such county, to be voted upon by them at an election to be held for that purpose, at such time and in such manner as may be directed by the county court, which shall also prescribe the manner in which such vote shall be taken, certified, and ascertained: *Provided, however,* That at any such election no one shall be entitled to vote who has not been a resident in the county for at least three years next preceding and prior to the election.

Bonds, etc.

§ 3. If a majority of the votes cast at any such election shall be in favor of the proposed subscription, it shall be the duty of the county judge to make, in the name and on behalf of his county, a subscription to the capital stock of said company upon the terms and in the amount specified in the proposition; such subscription to be paid in the bonds of the county making the same, which bonds shall be issued in denominations of not exceeding one thousand dollars each, and bear interest at a rate of not exceeding five per cent. per annum; and for the payment of which bonds and interest it shall be the duty of the county court to make proper and timely provision: *Provided, however,* That the bonds of said counties shall be issued at the following times only, to-wit: As to Montgomery county, not exceeding fifty thousand dollars of its subscription when the railroad of said company shall have been completed and be operated to the line between Menifee and Wolfe counties; not exceeding twenty-five thousand dollars when said

railroad shall have been completed and operated to the line between Wolfe and Breathitt counties; not exceeding fifty thousand dollars when said road shall have been completed and operated to Jackson, in Breathitt county, and not exceeding twenty-five thousand dollars when said road shall have been completed and operated to West Liberty, in Morgan county. As to Menifee county, provided that no bonds shall be issued in payment of the amount subscribed by Menifee county to the capital stock of said company until said road is fully completed and operated from Mt. Sterling to Frenchburg, and then only one-half of the amount so subscribed shall be issued, and the balance shall not be issued until said road is fully completed and operated from Mt. Sterling to either Jackson, in Breathitt county, or West Liberty, in Morgan county, by the way of Frenchburg. As to Wolfe county, not exceeding twenty-five thousand dollars when said road shall have been completed and operated to the line between Wolfe and Breathitt counties, not exceeding twenty-five thousand dollars when said railroad shall have been completed and operated to Jackson. As to Breathitt county, not exceeding one hundred thousand dollars when said railroad shall have been completed and operated to Jackson. As to Morgan county, no part of its subscription until the railroad of said company shall have been completed and operated to West Liberty: *And provided further*, That so much of said subscriptions as are payable only when said railroad shall have been completed and operated to Jackson, shall become void unless said railroad shall have been completed and operated to said point within three years from the making of such subscriptions; and that so much of said subscriptions as are payable only when said railroad shall have been completed and operated to West Liberty, shall become void unless the said railroad shall have

been completed and operated to said point within three years from the making of such subscriptions.

§ 4. It shall not be lawful for said railroad company to charge a greater freight or passenger rate from any given point upon its line to Mt. Sterling than it may charge from such point to any place at a greater distance from it than Mt. Sterling.

§ 5. That any and all installments of any subscriptions shall be void in case said road shall not be commenced in good faith within one year from, and built to completion within three years from, the time of taking the vote by any county regarding a subscription thereto, and work to begin within two years from the passage of this act.

§ 6. After the county court of the counties of Menee, Wolfe, Morgan and Breathitt shall have been once called together to consider the question of submitting the vote to their respective counties, the railroad company shall at all times thereafter pay the expense of convening said county courts.

§ 7. That all subscriptions of all the counties shall be void, unless there be at least fifteen thousand dollars per mile for the entire line obtained in bona fide subscriptions, in addition to the county subscriptions, and to be paid in as the work progresses. That the road shall not be mortgaged or in any way bound for the construction of any other road.

§ 8. That unless work shall be begun in good faith on said railroad within two years from the passage of this act, and the said road completed and operated to the town of West Liberty, in Morgan county, or Jackson, in Breathitt county, within five years, then this charter shall be null and void.

§ 9. That said Mt. Sterling Coal Road, or the Kentucky and South Atlantic Railroad and all its branches, are to be of a standard gauge in width.

§ 10. That any stock that may be subscribed by any county upon the payment of the subscription, or any part thereof, certificates of stock shall be issued to

Freight and passenger rates.

Work, when must be commenced and completed.

Railroad to pay expenses of county courts.

said county ; but before any payment shall be made, the president and chief engineer shall show by affidavit that the road is completed to a specified point ready for business, at which an installment is due.

§ 11. This act shall take effect from and after its passage.

Approved February 16, 1888.

CHAPTER 172.

AN ACT to incorporate the Shelby County Trust Company.

WHEREAS, By articles of incorporation made under the provisions of chapter 56 of the General Statutes of the State of Kentucky, on the 26th day of April, 1887, which articles are recorded in the clerk's office of Shelby county, Kentucky, in book 1, page 35, Shelby Vannatta, James Guthrie, J. A. Middleton, J. C. Beckham, R. A. Smith, L. A. Weakley, C. Kinkel did associate themselves together and become incorporated under the name of the Shelby County Trust Company, and, pursuant to the powers contained in said articles of incorporation, received subscriptions for the capital stock of fifty thousand dollars of said corporation, ten per cent. of which was paid in ; and whereas, the stockholders of said Shelby County Trust Company, on the 7th day of May, 1887, according to section 2 of said articles of incorporation, elected a board of directors, who, having been sworn, on the 9th day of May organized and elected a president, vice-president, treasurer and secretary ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all the transactions and doings of said board of directors are hereby ratified and legalized, and said board of directors shall hold office until their successors shall be elected and qualified, and said original articles of incorporation are hereby changed

and amended so as to read as follows, and the provisions of this act shall be the charter of said company.

Seal, etc.

§ 2. That Shelby Vannatta, J. Guthrie, J. A. Middleton, J. C. Beckham, R. A. Smith, L. A. Weakley, C. Kinkel, and all other persons who are stockholders of the company hereby incorporated, shall be a body-politic and corporate, by the name of the "Shelby County Trust Company," and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock.

§ 3. The capital stock of said company is fifty thousand dollars, which may be increased from time to time, as the board of directors may deem advisable, to any sum not exceeding one hundred thousand dollars, in shares of one hundred dollars each. The principal place of business of said company shall be in the town of Shelbyville, Kentucky.

Management and control of its affairs.

§ 4. The management and control of said corporation shall be vested in a board of directors, consisting of seven stockholders, four of them to constitute a quorum to transact business. Said board of directors shall possess all the powers of the company in the management and conduct of its business, and shall from their number elect a president and vice-president, and may employ such agents and servants as the needs of the company may require. The directors and the president and vice-president shall be elected annually, on the first Saturday in May, and shall hold office for one year, or until their successors shall have been elected and qualified; and in case of a vacancy or vacancies occurring in the board, the remaining directors shall have power to appoint a qualified stockholder to fill it until the next regular election. At the elections of directors, and at any meeting of stockholders, each stockholder shall be entitled to have one vote for each share of stock

owned by him in said company, and a plurality of votes cast shall elect. Votes may be cast in person, or by proxy in writing. Notice of elections for directors shall be given in a newspaper published in Shelbyville, for four weeks preceding each election, and such elections shall be held under the inspection of two or more persons, to be appointed by the board of directors, who shall certify the result under their respective signatures. The board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in execution thereof. Elections for directors and officers shall be by ballot, and no person shall be eligible as director who is not a stockholder to the amount of five shares.

§ 5. The board of directors of said company are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations for the management, government and control of its business as they may deem expedient, and alter, amend and repeal the same at will: *Provided*, No such by-laws, rules or regulations, shall conflict with the Constitution or laws of this State or the United States. Board may enact by-laws.

§ 6. Said board of directors shall have power to require payment of the amount of stock remaining unpaid, at such times and in such proportions as they shall think proper; and in case any subscriber shall fail to pay any call made by said directors for any unpaid portion of his subscription, and remain in default for sixty days from the date of such a call, the board may, in its discretion, forfeit his stock for the benefit of the company, upon the company refunding to him his money, or collect the same by suit or otherwise. The form of certificates of shares of stock and manner of transfer of same shall be regulated by the by-laws, but no such transfer of stock shall be binding as to the company until it shall have been notified thereof, and the same has been noted on the books of the company; and a lien is hereby cre- Unpaid stock.

ated in favor of said company on the stock of each shareholder for any claim that the company may have for any unpaid part of his shares.

§ 7. The officers and directors of this company, previous to entering on the discharge of their duties, shall take an oath before a notary public, faithfully, honestly, and to the best of their ability to discharge all the duties of their respective offices under this charter, and that they will not knowingly permit any of the provisions of this charter to be violated.

Oath of officers
and directors.

§ 8. Private property of the stockholders of said company shall be exempt from liability for corporate debts.

§ 9. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and, from time to time, shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "investments of trust capital;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener, if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement, as near as practicable, of the value of the estate and property committed to said company, which statement shall be verified by the oath of one of said officers; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligations of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such securities and in such a manner as may be determined by the company.

Trust capital.

§ 10. The capital stock of said company shall be taken and considered as the only security required by law for the faithful performance of its duties; and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest. But any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of the company, under oath or affirmation, as to the security aforesaid, and the amount and extent of its fiducial liabilities, and, if advisable, appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held; the expense of such investigation to be defrayed by the company. Subject to the limitations named in this section, the capital stock of said company shall also be taken and accepted as the only surety and security required by law on any bond or bonds required, or necessary to be executed by said company as guardian, committee of person or persons of unsound mind, in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title X, chapter 14; or upon any other bond or bonds required, or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities.

§ 11. The said company may be appointed and may act as guardian of infants, as executor or administrator, or committee of lunatics, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court within this Common-

Capital stock
shall be security
for company.

May act as guardian, administrator, etc.

wealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation, association, municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It may be appointed and act as receiver of any court in this State, and may, as a natural person, execute any deed or conveyance required by any court. It shall have a trust department, and all its business of a fiduciary character shall be kept separate.

Fiduciary capacity, powers and compensation.

§ 12. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts, or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

May declare dividends.

§ 13. Said company may, from time to time, declare and pay dividends, but said dividends shall be paid

only from the net earnings of the company ; but before declaring said dividends it shall reserve from said net earnings not less than ten per cent., and shall continue so to do until the amount thus reserved equals twenty per cent. of the paid-up capital stock.

§ 14. This act shall take effect from and after its passage.

Approved February 16, 1888.

CHAPTER 173.

AN ACT to incorporate the LaRue County Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in Hodgenville, LaRue county, Kentucky, with a capital of ten thousand dollars, which may be increased from time to time to any sum not exceeding fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided, and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The LaRue County Deposit Bank," and may so continue for thirty years from its organization ; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever ; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of not less than two nor more than five directors, to be chosen by the stockholders in such manner, for such time, and with such qualifications as they may fix in the by-laws of said corporation, and who shall also be stockholders in said bank and citizens of this Commonwealth ; they may hold regular meetings at

Meetings of di- such times as may be fixed by the by-laws, and other
 rectors. meetings may also be held when deemed necessary.
 In case of the death, resignation or refusal to accept
 of any director, the vacancy may be filled by the
 board, or such members thereof as do act. The direct-
 ors shall have power to receive subscription for so
 many of the shares of the stock of said bank remain-
 ing unsold as they may from time to time decide to
 sell; declare dividends of the profits of the business;
 appoint such officers, agents and servants as they may
 deem necessary, and pay them such sums as wages
 and salaries, and take from them such bonds to secure
 the faithful performance of their duties, as they shall
 think proper and reasonable. The stock shall be
 deemed personal property, and shall be assignable
 only on the books of the bank, upon such rules as the
 board of directors from time to time shall establish;
 but said corporation shall have a lien on the stock to
 secure any indebtedness by the stockholders to said
 bank for any unpaid subscription on stock therein.

§ 3. Pleasant McDowell, R. H. Moss, Jacob Hub-
 bard, I. W. Twyman, and J. R. Thomas are hereby
 constituted and appointed a board of directors of said
 corporation, to serve until the first day of January
 following the organization of said bank, and until
 their successors are duly elected or appointed and
 qualified, any two of whom may act upon the fail-
 ure of the others to act; but if any of said directors
 shall fail to qualify and serve, those qualified and
 serving as such may declare and treat as vacant the
 places of those failing so to qualify and act, and may
 appoint other persons to fill such vacancy, so that the
 board shall not consist of less than two nor more than
 five acting directors in the organization of said bank.
 Said directors, or any two thereof, may open books in
 the town of Hodgenville, Kentucky, or elsewhere, if
 they see proper, and receive subscriptions for the
 capital stock of said bank. The payment of the
 shares subscribed shall be as follows: Ten dollars

on each share at the time of subscription thereof, and twenty per cent. of the stock subscribed within thirty days thereafter, and the remainder in such amounts and at such times as the directors may require: *Provided*, That no one call shall be for a greater amount than twenty per cent. of the stock subscribed: *And provided further*, That in case of a failure or refusal to pay any call, the payment may be collected by action at law, brought in the name of the corporation; and the board of directors may, in their discretion, instead of coercing payment by resolution entered on their records, forfeit any unpaid stock and recall and cancel the subscriptions thereof; and in such case stock shall only be held or owned by subscribers, only in proportion to and in the amount actually paid in: *Provided, however*, That nothing contained herein shall be construed so as to prevent any stockholder from making payment on his stock in advance of the calls made by the board of directors. Said corporation may commence business so soon as ten thousand dollars shall have been subscribed and paid in as capital stock, and affidavit of the same made by the president before some one authorized to administer oaths.

Stock owned by
subscribers.

§ 4. Said bank may receive deposits of gold, silver, bank and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest in this Commonwealth, as may be agreed upon with depositors by special or general contract; may deal in the loaning of moneys; may buy and sell bills of exchange, promissory notes, stocks, bonds, mortgages and other evidences of debt, take personal and other securities for the same, and may dispose of the former as may be agreed upon between the parties, and pass a valid title to the same. The bank shall have the power to make advancements on approved securities upon agricultural products, including growing crops, and upon all manufactures

Receive deposits

and fixtures as personal property. All promissory notes and inland bills of exchange which may be discounted and owned by said bank shall be, and are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, acceptors and indorsers. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women to it therefor shall be valid.

§ 5. Said corporation shall have the right to acquire Hold real estate. and hold such real property as may be necessary for the location of its bank, not exceeding three thousand dollars in value, and may also acquire, hold, possess such other real estate purchased in satisfaction of any debt, judgment or decree: *Provided*, They do not hold such real estate, acquired as last mentioned, longer than five years; and said bank may sell and convey said real estate acquired or held by it as aforesaid. The directors of said bank may make such laws and rules as they may deem necessary for their government and that of said bank, not contrary to the laws of this Commonwealth.

§ 6. The private property of the stockholders of said bank shall not be liable for the debts of the corporation.

§ 7. Each stockholder in said bank shall be entitled Stockholders entitled to vote. to and have one vote for each share of stock held and owned by him, and may cast said vote in person or by proxy in the determination of all matters to be decided by the vote of the stockholders.

§ 8. This act shall take effect and be in force from its passage.

Approved February 16, 1888.

CHAPTER 174.

AN ACT to incorporate the infirmary of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county poor-house of Bracken county shall be known and styled the "Bracken County Infirmary," and the management thereof is created a body-politic and corporate, under the name and style of the "Board of Commissioners of Bracken County Infirmary." Infirmary established. Style of corporation.

§ 2. That W. M. Byar, William Gillham, and N. J. Stroube be, and they are hereby, constituted a "board of commissioners" of said institution; the first named to serve and hold his office until the regular court of claims in January, 1889, the second for one year, and the third for two years thereafter; and at the court of claims in each year there shall be one commissioner elected to fill the place of the out-going commissioner. Incorporators. Election of board of commissioners.

§ 3. That after the passage of this act the county judge shall call a meeting of the commissioners, at such time and place as he may designate, when the board shall organize by an election of a chairman and a clerk; and they shall annually thereafter elect said officers at their first monthly meeting of the board after the January term of the county court in each year. County judge to call meeting.

§ 4. That said board of commissioners shall fix a time for holding a regular monthly meeting, which shall be held at an office at said infirmary, for the transaction of all the necessary business in the management of the said institution. That at the monthly meetings of said board of commissioners they shall transact such business as may come before them in the control and management of said institution and its grounds, examine and pass upon all accounts for supplies of said institution; and no account shall be Monthly meetings. Duties of commissioners.

paid by the receiver until it has been passed upon by said board, and an order drawn by the clerk directing him to pay the same shall be made by them.

§ 5. That the clerk of the board of commissioners shall procure a suitable record book for the purpose, and a record of all the proceedings of said board, and of all the bills audited and to be paid by the receiver, and those rejected by them, shall be kept by the clerk of the board in such record book, and the record so made shall be signed by the chairman.

§ 6. That a receiver shall be appointed by the county court, who shall hold his office during the pleasure of the court; who shall annually, after the January term of the court, in January, execute bond, with approved sureties, who shall demand and receive from the sheriff all moneys levied and collected by him for said institution, and all other moneys or property belonging to or coming to said institution, and he shall pay the same out to support the poor, upon the order made by the said board of commissioners. And he shall make out a full and complete report of all moneys received by him for said institution, and all orders of the board paid by him during the year, and return the same to the court of claims at each term thereof.

§ 7. That said board of commissioners shall employ a superintendent and keeper of the infirmary, the inmates and grounds of said institution, who may hold said office at the will of the board, or may be discharged by them at any regular monthly meeting of the said board.

§ 8. That said commissioners shall each be allowed two dollars per day for attending the monthly meetings of the board, and the clerk shall be allowed a reasonable amount for keeping the records of the meetings of the commissioners, and making the annual report to the court of claims.

§ 9. The commissioners, after the last monthly meeting prior to the January term of the county court in each year, shall make out a complete report, under

oath, of all the proceedings and bills ordered to be paid by them for said institution during the previous year, and return the same to the court of claims.

§ 10. That in all matters pertaining to the management and enforcing of contracts made by them for said institution, the board of commissioners of "Bracken County Infirmary," may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court having jurisdiction of the matters in controversy, and contract and be contracted with, and make such by-laws as they may deem necessary, which do not conflict with the laws of this State or of the United States.

Authority to sue
and be sued.

Make by-laws.

§ 11. That two commissioners at any monthly meeting shall constitute a quorum to transact business, and any order made must have the concurrence of two commissioners, and any vacancy in the board of commissioners or of receiver, from any cause, at any time, shall be filled by the county court of the county.

Quorum.

§ 12. That this act shall take effect and be in force from and after its passage.

Approved February 17, 1888.

CHAPTER 175.

AN ACT to incorporate the Locust Creek Turnpike Road Company,
in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the "Locust Creek Turnpike Road Company," for the purpose of constructing a macadamized turnpike road from the town of Brooksville, thence north-westwardly by the most practical route to the Ohio river, near the mouth of Big Locust creek, in Bracken county.

Corporation.

§ 2. The capital stock of said company shall be ten

Capital stock.

thousand dollars, divided into shares of fifty dollars each.

Commissioners § 3. The following commissioners, or such of them as will act, shall be authorized to take subscriptions to the stock of said company, viz: Martin Finn, Noble Stairs, D. J. Wallen, H. A. Day, H. C. Weaver, William Maloney and Geo. B. Poage, who may open books at such times and places as they, or any two of them, may think proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken.

Obligation. § 4. The commissioners shall procure books, in which the stockholders shall enter the following obligations, to wit: "We, whose names are hereunto subscribed, promise to pay to the president and directors of the Locust Creek Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the rate of six per cent. per annum until paid."

Vote. § 5. That the stockholders shall be entitled to one vote for every share of stock held by them; and when any stockholder desires, he may vote by proxy, in writing, at any election of directors.

Election of officers at Brooksville. § 6. That a president and five directors shall be elected by the stockholders at a meeting to be held in the town of Brooksville at such time as said commissioners, or a majority of them, may deem proper, notice thereof being posted in three places for ten days on the route of the proposed road.

Call meetings. § 7. The president and three directors may call a meeting of the stockholders at any time, or the president or any three directors may call a meeting of the directors. The president and three directors or four directors shall constitute a quorum, and as soon as

three thousand dollars are subscribed and the company is organized, the company may commence the construction of said road.

§ 8. The board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; may sue and be sued, plead and be impleaded, contract and be contracted with, and may make such by-laws as do not conflict with the laws of this State or of the United States. May appoint agents.

§ 9. The president and directors shall have power to fix the grade, locate, build and establish said road between the designated points, and may acquire, by purchase, gift, donation, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the road; also ground for the toll-houses (not exceeding one acre for each toll-house), and such timber, rock quarries, etc., as may be necessary for the completion of the road, or keeping of the same in repair, paying a reasonable compensation therefor; the road to be forty feet wide, graded not less than twenty-four feet wide, and the stone not less than eighteen feet wide, and twelve inches of rock. Powers of directors. Right of way, etc.

§ 10. The county of Bracken may hold stock in said company upon the same conditions of other stockholders, according to the act of the General Assembly of Kentucky authorizing the county court of Bracken to appropriate and levy a turnpike tax, except that such stock shall be taken on the terms and in the payments prescribed by the orders of the county court of said county. County may take stock.

§ 11. That the town of Brooksville may subscribe stock in said turnpike not exceeding two thousand dollars, which may be made by any meeting of the board of trustees of said town: *Provided*, That said subscription shall not be made until after ten days' notice posted on the court-house, and an election held, and a majority of those voting shall be in favor of such subscription. Brooksville may take stock.

§ 12. The president and directors shall hold their

Terms of office. offices for twelve months, and until their successors have been elected, except that the first ones elected, and after the first election they shall be elected on the first Saturday in May of each year, at such place, and between such hours, as the board of directors shall appoint. They shall provide books and keep just accounts of all the stock and other money paid into the company, and all the money paid out for the construction of the road, and a record book in which shall be recorded all the contracts and the proceedings of the meetings of the board of directors, which shall be signed by the president, or, in his absence, the acting chairman of the meeting of the board. After the completion of the road at the end of each year, the board shall ascertain the net profits, if any, and pay the same pro rata to the stockholders of said road company.

Erect toll-gates and collect toll. § 13. The board of directors shall have authority to erect toll-gate or gates, employ gate-keepers, fix their salaries, collect tolls from persons traveling on said road, the rates to be the same authorized by law in the General Statutes; and they may take any bond necessary for the performance of any contract made by the company.

Transfer of stock § 14. The stock shall be transferable when the same has been fully paid, and certificates of stock shall be issued when paid by order of the board, which shall be signed by the president and countersigned by the secretary of the board.

Enforce payment of subscriptions. § 15. That if any stockholder shall fail or refuse to pay the stock subscribed or the calls of the same when due, he shall be liable to a suit to enforce the collection in any court having jurisdiction.

§ 16. The said corporation shall have full power to do all other acts and things that is necessary to be done to locate, establish and complete said turnpike road.

§ 17. This act shall take effect from its passage.

Approved February 17, 1888.

CHAPTER 176.

AN ACT providing for a system of water-works at Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The city council of Paris, Kentucky, shall have power and authority, for and on behalf of the city of Paris, to receive proposals from and enter into a contract with any municipal or private corporation, firm, or individual authorized thereto, for the supply of water for domestic and fire protection in the city limits to the city of Paris and the inhabitants thereof, for such length of time and upon such terms and conditions as may be agreed upon between the city council of Paris and the proper authorities of any such municipal corporation, or such private corporation, firm, or individual proposing to so contract, not to exceed three thousand dollars (\$3,000) per annum: *Provided, however,* That said power shall not be exercised until the question of the exercise thereof shall have been first submitted by the city council, at a time to be fixed by said council, to the qualified voters of Paris, Kentucky, at an election held for that purpose. At all such elections the question, "Are you in favor of or against the proposed contract?" shall be propounded to each voter, and those in favor of the proposed contract shall vote "yes" and those opposed "no." In submitting the question the council shall open polls in each ward or voting precinct in said city, and shall give at least twenty days' notice of said election, which notice shall state fully the proposed contract by printed handbills, posted in each ward and voting precinct in the city, and by advertisement in at least one newspaper of general circulation in said city for at least ten days; and said council shall provide suitable officers for said election, who shall be sworn to faithfully and impartially discharge their duties as such, and make due returns of said

election; and said elections shall be held in all respects as elections for members of the city council are, by the charter of said city, required to be held. If a majority of the votes cast at any election held under this section shall be in favor of entering into the contract submitted at said election, it shall be the duty of the city council of Paris, Kentucky, to forthwith enter into and execute the said contract. The same proposition from any municipal or private corporation, firm, or individual shall not be submitted more than once, but different propositions may be submitted oftener than once; but after the submitting of any proposition, no other proposition from the same corporation, firm, or individual shall be submitted within one year thereafter. The council is authorized to order special elections for the purpose of carrying out the provisions of this act.

§ 2. The mayor and council may levy an annual tax on all the property within said city of Paris, Kentucky, subject to taxation, in addition to that now allowed by the charter of the said city, and all amendments thereto, not exceeding twenty cents on each one hundred dollars' worth of property, for the purpose of carrying out any contract entered into by the city council under this act.

§ 3. This act shall take effect from its passage.

Approved February 17, 1888.

CHAPTER 177.

AN ACT to amend an act, entitled "An act for the benefit of Taylor county, empowering it to compromise its debts, issue bonds, levy and collect taxes to pay the same," approved March 18, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the powers granted to the Taylor county court by an act, entitled "An act for the benefit of Taylor county, empowering it to com-

promise its debts, issue bonds, and levy and collect Issue bonds. taxes to pay the same," approved March 18th, 1878, the county court of said county is hereby authorized and empowered to borrow money, in any sums that may be necessary to enable said court to effect and fully complete a compromise of its bonded debt au- Compromise debts. thorized by said act: *Provided*, The sum borrowed by said court shall not exceed the sum of twenty thousand dollars. The said court may, by order of said court, a majority of the justices concurring therein, authorize and direct the presiding judge of the Taylor county court to execute a bond or bonds, promissory notes, or other evidences of debt, for the sum or sums that may be so borrowed, the same to be countersigned by the county clerk; and to deposit as collateral Deposit collateral. security the bonds of said county issued under the above cited act, in the proportion of two dollars in bonds for each one dollar borrowed; but the rate of Rate of interest. interest on the sum borrowed shall not exceed six per cent. per annum.

§ 2. That said county court shall, at the time of its Levy tax. annual levy to pay the interest on the bonds issued under the above-cited act, levy an amount of taxes on the taxable property of said county, subject to State tax, sufficient to pay the interest on said funded debt, and to pay the interest and principal of the money borrowed under the provisions of this act: *Provided*, Said levy shall not exceed one dollar and fifty cents upon each one hundred dollars' worth of taxable property in said county in any one year.

§ 3. The levy authorized by this act, and the act to When made. which this is an amendment, shall be made on the first Monday in March of each year, or as soon thereafter as is practicable.

§ 4. The taxes authorized to be levied by this act shall be collected as provided in the above-cited act for the collections of the taxes therein authorized to be levied.

§ 5. This act to take effect and be in force from and after its passage.

Approved February 17, 1888.

CHAPTER 178.

AN ACT to incorporate the Owensboro Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Gilmore, Tyler W. McAtee, E. P. Taylor, J. D. Shortell, and James J. Sweeney, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the Owensboro Transfer Company; and by that name are made capable in law as natural persons to contract and be contracted with, sue and be sued; to have and use a common seal, and to break and alter the same at pleasure, and to carry on business as hereinafter empowered. They may make and ordain such by-laws as may be necessary for the government and encouragement of said corporation. Said corporation to exist for thirty years, unless sooner dissolved by agreement of the stockholders.

§ 2. That the capital stock of said company shall consist of not less than one thousand dollars, to be divided into shares of one hundred dollars each; but the same may, at any time, be increased to an amount not exceeding one hundred thousand dollars by order of the board of directors.

§ 3. The business of said company shall be managed by a board of directors to be elected by the stockholders of said company, to consist of not less than three or more than nine directors.

§ 4. There shall be elected by the board of directors from among their number a president, treasurer and secretary (the last two offices may be held by one person), and said board may provide by by-laws for the appointment of any other officers they may deem necessary.

§ 5. Said corporation is empowered to carry on the business of common carriers in transporting passengers, baggage, merchandise and other articles between

points within the State of Kentucky and points without said State, and also between points wholly within the said State, and also to do a general hauling business.

§ 6. Said corporation shall be liable as such to the Liabilities to city operation of all ordinances of the city of Owensboro regulating streets and vehicles, taxation, and licensed in the same manner that an individual would be or is.

§ 7. The election of directors shall be held annually, Annual elections. at such time and place and in such manner as the directors of said company shall by by-laws prescribe; but no forfeiture shall arise from any failure to elect; but in all such cases the acting board shall serve until successors are elected and qualified.

§ 8. The board shall elect the president of the com- President. pany, and may fill any vacancy occurring in the board by death or resignation.

§ 9. The manner of subscribing and paying for stock, Subscriptions. and issuing certificates therefor, and transferring the same, and the general transaction of the corporate business, shall be by by-laws, to be from time to time enacted by the board.

§ 10. Said corporation is vested with the general May hold real estate, etc. common law powers of corporations; and, in addition thereto, may hold such real estate as may be necessary or convenient in the transaction of their business; and this may be in addition to capital stock.

§ 11. The corporators hereinbefore named shall serve as directors until their successors are elected.

§ 12. The principal office of the corporation shall be Place of business. in the city of Owensboro, Kentucky.

§ 13. The private property of the corporators and Private property not liable for corporate debts. all stockholders shall be exempt from all debts of the corporation.

§ 14. All conveyances of real estate by the corpora- Conveyances. tion shall be by order of the board of directors, and shall be signed in the name of the corporation by the president and secretary.

§ 15. This act shall be in force from and after its passage.

Approved February 17, 1888.

CHAPTER 179.

AN ACT providing for a system of sewerage at Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The city council of Paris, Kentucky, shall have
Authority of city council. power and authority, for and on behalf of the city of Paris, to receive proposals from and enter into a contract with any municipal or private corporation, firm or individual authorized thereto, for the establishment of a system of sewers within the city limits, and maintaining the same, not to exceed the sum of ten
Vote of people. thousand dollars (\$10,000): *Provided, however,* That said power shall not be exercised until the question of the exercise thereof shall have been first submitted to the qualified voters of Paris, Kentucky, at an election held for that purpose. At all such elections the question: "Are you in favor of or against the proposed contract?" shall be propounded to each voter, and those in favor of the proposed contract shall vote "yes" and those opposed "no." In submitting the question, the council shall open polls in each ward or voting precinct in said city, and shall give at least twenty days' notice of said election, which notice shall state fully the proposed contract by printed
Publication. handbills, posted in each ward and voting precinct in the city, and by advertisement in at least one newspaper of general circulation in said city, for at least ten days; and said council shall provide suitable officers for said election, who shall be sworn to faithfully and impartially discharge their duties as such, and make due returns of said election; and said elections shall be held in all respects as elections for members of the city council are by the charter of said city required to be held, and at a time to be fixed by said city council "in their discretion." If a majority of the votes cast at any election held under this section shall be in favor of entering into the contract

submitted at said election, it shall be the duty of the city council of Paris, Kentucky, to forthwith enter into and execute the said contract. The same proposition from any municipal or private corporation, firm or individual, shall not be submitted more than once, but different propositions may be submitted oftener than once; but after the submitting of any proposition no other proposition from the same corporation, firm or individual, shall be submitted within one year thereafter.

§ 2. To provide for the payment of said sewers, the mayor and city council of Paris, Ky., is hereby authorized and empowered to issue bonds of the city of Paris to an amount not exceeding ten thousand dollars (\$10,000), and redeemable in not more than ten years (10 years) from the date of said bonds, and bearing interest at a rate to be fixed by said council, but not exceeding six (6) per centum per annum, payable semi-annually. The said bonds shall not be liable to city taxation; shall be of the denomination of one thousand dollars (\$1,000) each; may have interest warrants or coupons thereto attached, for the semi-annual installments of interest, and payable in the city of Paris, Kentucky, at some bank designated by the city council. They shall be signed by the mayor of the city, and countersigned by the treasurer of the city of Paris, Kentucky, and under the corporate seal of said city; and the said mayor and city council may dispose of said bonds to the person or persons, firm or corporation, that will pay the highest sum therefor in cash, but shall not sell the same at less than their par or full value, with any accrued interest thereon. The said bonds shall be dated either January first, or July first, of the year in which they are issued, according as they may be issued, after the first day of January, or after the first day of July in said year; and the council shall determine the time at which said bonds shall be disposed of, and shall give public notice, by advertisement in two or more of the

newspapers at the time when or within which it will receive bids for said bonds.

§ 3. The council is authorized to order special elections for the purpose of carrying out the provisions of this act.

§ 4. The mayor and council may levy an annual tax on all the property within said city of Paris, Kentucky, subject to taxation, in addition to that now allowed by the charter of the said city, and any and all amendments thereto, not exceeding ten cents on each one hundred dollars' worth of property, for the purpose of carrying out any contract that may be entered into by the city council under this act.

Council may levy taxes.

§ 5. This act shall take effect from its passage.

Approved February 17, 1888.

CHAPTER 180.

AN ACT for the benefit of the town of Blandville, in Ballard county.

WHEREAS, The county seat of Ballard county was formerly at Blandville, but has been moved to Wickliffe, at which place the county has erected a new jail; and whereas, the old jail at Blandville is no longer used for jail purposes or any other; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, when any person shall be convicted of an infraction of the by-laws or ordinances of said town, and shall be adjudged to imprisonment therefor, the court rendering said judgment shall direct such person to be confined in said old jail at Blandville.

§ 2. When any person shall be fined for an infraction of the by-laws or ordinances of said town, the judgment of conviction shall provide that, in the event such person shall fail, upon due process or

otherwise, to satisfy said judgment, they shall be confined in said jail at Blandville.

§ 3. All persons so confined in said old jail under the provisions of this act shall be treated humanely, and cared for and maintained at the sole expense of said town.

§ 4. The trustees of said town are hereby authorized and empowered to appoint some one to take charge of and keep said jail, and may contract with him for such purpose.

§ 5. If any person shall be charged with an infraction of the by-laws or ordinances of said town, and fail to give bond for his appearance pending said charge, he may be confined in said jail until trial.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 17, 1888.

CHAPTER 181.

AN ACT to amend the charter of the town of Carrollton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of Carrollton, approved February 25, 1884, be amended as follows: The board of trustees of Carrollton may subscribe any amount, not exceeding five hundred dollars, to any enterprise or business which, in their judgment, would be to the interest of the town. The amount subscribed may be taken in stock, or it may be donated, as they may determine, at the time the subscription is made.

§ 2. To pay said subscription or donation, the board of trustees of Carrollton may levy and have collected such additional ad valorem tax to that now provided for in the charter of said town as they may think proper.

§ 3. The board of trustees of Carrollton may grant the right to any corporation, company, or individual

to build railroads, street railways, or lay pipes on or under the streets and alleys of said town. Exclusive privileges shall not be granted to any corporation, company, or individual for any thing or any purpose in said town.

§ 4. This act shall take effect from its passage.

Approved February 17, 1888.

CHAPTER 182.

AN ACT authorizing the Henry county levy court to levy an ad valorem tax for bridge purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Henry county levy court is hereby authorized to levy an ad valorem tax of not exceeding five cents on the hundred dollars' worth of taxable property in said county, for the purposes of completing the bridge across the mouth of Pot Ripple creek, and of building a bridge across Little Kentucky creek at a point where it is crossed by the New Castle and Smithfield road; said levy to be laid for the year 1888, and said tax to be collected and accounted for in the same manner as other county taxes are now required by law to be collected and accounted for.

§ 2. For the purpose of carrying out the provisions of this act, the county judge of said county is authorized to call a meeting of said court, to be held on the first Monday in March, 1888, and said court is hereby authorized to make said levy on said day, a majority of the members thereof being present and voting, and said levy, when so made, shall have the same effect as though it had been made at the regular January term of said court.

§ 3. This act shall take effect from its passage.

Approved February 17, 1888.

CHAPTER 183.

AN ACT to incorporate the Capital Brewing Company of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. Salender, Louis Weitzel, Peter C. Sower, Joseph Schroff, Wm. C. Lutkemeier, and their associates, successors and assigns, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Capital Brewing Company; and by that name and style shall have perpetual succession for the purpose of carrying on the business of manufacturing and selling malt liquors, malt and ice, and buying and selling ice, hops, barley and other grain, and conducting a general brewing and malting and ice business in all its branches; also the manufacture, sale, purchase and disposition of such cooperage, bottles, boxes, and other packages necessary in the conduct of such business.

§ 2. The said company may have and use a common seal, which it may amend, break or alter at pleasure; said company may contract and be contracted with, sue and be sued, plead and be impleaded, in and by its name as aforesaid; may acquire and hold, by purchase or otherwise, such lands, tenements, chattels, and property of every description, as the directory may, in their discretion, deem necessary and proper in or auxiliary to the business of said company, and sell and convey, mortgage charges encumbered, and dispose of said property, or any part thereof, absolutely or for a term of years, as may be desired: *Provided, however,* That in order to render a sale of the entire property valid and binding upon the company, the consent of a majority of the capital stock in value as appears upon the books of the company, given by vote at a meeting of the stockholders called and held for that purpose, shall be necessary, and said com-

Hold real estate,
etc.

May mortgage.

pany is hereby invested with all other rights, privileges, franchise and immunities incident to corporations by the general law, or which may be and are usually granted to other manufacturing corporations in this Commonwealth.

§ 3. The principal place of transacting the business of said company shall be at Frankfort, Kentucky, but it may establish branch offices or agencies at other places.

§ 4. The amount of the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for in such manner as the incorporators may direct; and said incorporators, or any three of them, may, at any time after the 16th day of January, 1888, open books for the subscription of stock and procure subscribers, and when twenty-five per cent. or one-fourth of the amount of the capital stock herein designated is subscribed, then said incorporators, or any three of them, shall, by writing or by public advertisement, notify the subscribers aforesaid of the time and place of a meeting of such subscribers for the purpose of organization, election of a board of directors, and such other business as may be necessary and proper for the purposes aforesaid; and in all the votes taken at said meeting, and all other meetings of the stockholders of said company, the share of stock held by each stockholder shall be voted numerically, and a majority of the shares appearing upon the books of the company at the time of any meeting of stockholders as aforesaid, voting for or against, shall determine the question upon which the vote is taken.

§ 5. The board of directors elected at the first meeting of stockholders under this charter shall hold office from the date of said election until the first Monday in December, 1888, when a new election shall be held by said stockholders as aforesaid, and the board of directors then elected shall serve for one year there-

after, or until the following Monday in December, Time of election. 1889, or until their successors are elected and qualified; and all subsequent elections of directors shall take place on the first Monday in December of each year, and the terms of office be limited to one year as aforesaid, unless a majority of the stockholders voting as aforesaid shall determine to change the date of said election; but in no event shall the same board of directors serve two years in succession, unless by authority of the stockholders given in the manner herein indicated.

§ 6. The directors so chosen as aforesaid shall be stockholders in said company, and immediately after When board shall organize. the election of the board of directors as aforesaid, said board shall organize by the election of a president from their number, and the said board shall then elect a superintendent, treasurer, and secretary; but Choose officers and agents. the aforesaid officers, except the president so elected, may be chosen from persons not stockholders in the said company, if the said board shall so determine. The term of office of the president, superintendent, Term of office. treasurer, and secretary shall be for the same time as the directors are elected to serve, unless said directors shall by order declare otherwise. Bond for the faithful discharge of duties prescribed may be required of the employes of the company, according to the discretion of the board of directors under authority of the stockholders as hereinbefore described. Salaries. Salaries of employes, officers, or others to whom compensation may be awarded, shall be fixed, from time to time, by the board of directors, which board may delegate to the superintendent power and authority to arrange for and fix wages of operatives in the employ of said company.

§ 7. The capital stock of said company may be in- Capital stock may be increased creased from time to time by the consent of a majority of the stockholders appearing on the books of the company, at a meeting called in due form for that purpose.

Indebtedness. § 8. The indebtedness of the company shall at no time exceed fifty per cent. of the amount of the capital stock of said company actually paid up and represented by assets on the books of said company; and whenever the limit of credit as allowed by this section is reached, it should be considered by the board of directors necessary to extend the credit or debt of the company, then, and in that case, the matter should be referred to a meeting of the stockholders called for that purpose, when and by whom the capital stock may be increased according to the necessities of the company, and the increased stock apportioned among the stockholders pro rata on payment of the value of such new share, or according as the stockholders failing or refusing to pay for the shares of stock so apportioned to him shall be considered a debtor to the company for the amount so assessed against his stock, and a lien is given to the company on such delinquent stock for the payment of such indebtedness, and the said stock shall not be voted nor any dividend declared thereon until the amount of the said indebtedness is fully paid and discharged.

Penalties for failure to pay subscriptions.

Transfer of stock. § 9. All sales and transfers of stock shall be made upon the books of the company, and no stock shall be transferred from the original subscriber to another party, nor from the holder of said stock according to the books of the company, so long as said stock is in any manner encumbered by indebtedness to said company. No transfer of stock will be recognized by the company unless said transfer is duly noted of record on the books of the company.

Private property not liable for corporate debts. § 10. Private property of stockholders shall be exempt from all debts of this corporation.

By-laws. § 11. A code of by-laws shall be adopted by the stockholders, which code shall not be inconsistent with this charter or the laws of this State or the United States.

§ 12. This act shall take effect from and after its passage.

Approved February 17, 1888.

CHAPTER 184.

AN ACT for the benefit of Dennis Long & Co.

WHEREAS, By articles of incorporation dated the twenty-fourth day of December, in the year 1877, Dennis Long & Co., of Louisville, Kentucky, was created and established as a corporation under the provisions of the fifty-sixth chapter of the General Statutes of Kentucky, for the manufacture and sale of cast-iron gas and water pipes, the construction in whole or in part of gas and water-works, and a general foundry business; the existence of the said corporation beginning with the second day of January, in the year 1878, and continuing for the term of twenty-five years, ten years of which time have already elapsed; now, for the purpose of giving to the said corporation perpetual succession, and of enabling it to extend its business, and for the general regulation of its affairs,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Dennis Long & Co. be, and the same is hereby, confirmed as a body-politic and corporate, and by that name and style shall have perpetual succession, and be capable to sue and be sued, contract and be contracted with, to acquire, possess, enjoy, lease, mortgage, sell and dispose of such lands, tenements, hereditaments, goods, stocks, bonds and other effects as may be necessary or convenient for or in its business the same as natural persons; and the said corporation shall have power to invest its funds in such manner as it may deem fit, and to change such investments from time to time; to take in its keeping and under its care and control pig-iron and cast-iron pipes and other products of iron, and give storage receipts therefor, which shall be negotiable and transferable by indorsement, and

with like liability thereon as bills of exchange now are; to ordain and put into execution all such by-laws, rules and regulations, not contrary to the Constitution and laws of this State, or of the United States, as shall seem proper to it for its government and for carrying out the objects of its existence; and to have and use a common seal, and to change and renew the same at pleasure.

§ 2. That the capital stock of the said corporation may be increased from time to time, at any meeting of the stockholders called to vote on a proposition to increase it, from its present amount of five hundred thousand dollars to an amount not exceeding one million five hundred thousand dollars, divided into shares of one hundred dollars each, the certificates for which shall be issued and signed by the president and secretary. Said stock shall be deemed to be personal property, and shall not be transferable except upon the books of the said corporation, and in such manner as its by-laws may provide; and when any stockholder shall desire to sell any of his or her stock, he or she shall give written notice of such intended sale to the board of directors of the said corporation for a period not less than thirty days; and shall first tender such stock to the said board of directors for purchase for the benefit of the said corporation at such *bona fide* offer and offers which he or she may from time to time receive therefor, it being the intention to secure to the said corporation in all cases the pre-emption on any and all stock sold; and unless this method shall be strictly pursued, the board of directors shall not be held to make a transfer of such stock. A first lien, superior to all others, is hereby created on all stock in the said corporation, and all dividends thereon, for any debts or liabilities of stockholders, whether direct or contingent, to the said corporation. Any stock transferred or assigned to a woman, or in trust for her, shall be deemed and held to be her separate estate for her sole use and benefit, free from the control or debts

Capital stock.

Stock deemed,
personal prop-
erty.

Debts or liabilities of stock-
holders.

of any husband she may then or thereafter have, if the instrument of writing evidencing the said ownership shall so declare. And no stock thus transferred or Transfer stock. assigned to a woman, or in trust for her, shall be transferable upon the books of the said corporation, except by written transfer, signed and acknowledged by her in person, and in the same manner as deeds to real estate are required by law to be acknowledged; and before the transfer of such stock shall be made upon the books of the said corporation, such writing, with such certificate of acknowledgment, shall be filed with the board of directors. And this provision, as well as that for a lien upon all stock, and the necessity to give notice of intended sales, and the pre-emption of all stock secured to the said corporation, shall be printed upon all certificates thereof. And the said corporation may acquire, possess and dispose of its stock on such terms as it may deem fit.

§ 3. That the affairs of the said corporation shall be Board of directors. controlled and managed by a board of directors of four stockholders, who shall be elected by the stockholders at their annual meeting on the third Tuesday in the month of January in each and every year, by votes cast in person or by proxy, according to the number of shares owned by them respectively, for the term of one year, and until their successors are elected, which board of directors shall elect a president and vice-Elect president and vice president. president out of its number, and also a superintendent, a secretary and a treasurer, which two last named Secretary and Treasurer. offices may be held by the same person. No one shall be eligible as a member of the said board of directors unless he shall own in his own right at least one hundred shares of the capital stock of the said corporation. Vacancies in the board of directors or in the Vacancies in board. said offices may be filled by the remaining members of the said board of directors until the next annual election. And in the event of any differences among the members of the board of directors concerning the affairs of the said corporation, the decision shall be

given by the majority of the stock represented by the respective directors.

§ 4. That the highest amount of indebtedness or liability, direct or contingent, to which the said corporation is at any time to be subject, shall in no case exceed the amount of its capital stock; and the private property of the stockholders shall be exempt from any liability for corporate debts.

§ 5. That the said corporation may wind up its business upon a vote of at least three-fourths of its capital stock, cast in favor of such winding up at any meeting held for the purpose of determining that question, and called upon ten days' notice thereof, in writing, to each and every stockholder. But a failure to hold any annual meeting shall not dissolve the said corporation.

§ 6. This act shall take effect at its passage.

Approved February 16, 1888.

CHAPTER 185.

AN ACT to incorporate the Shelby Loan Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That L. A. Weakley, John M. Moore, N. J. Shipheard, C. S. Weakley, Jr., Joseph Larrence, Ann Miller, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate by the name of "The Shelby Loan Company," and by that name have perpetual succession and existence; and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have all the powers, rights and privileges that a natural person has; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall consist of one thousand shares of the value of one hun-

dred dollars each, with the privilege to increase the same by a vote of two-thirds of the capital stock, at any annual or special meeting, to any sum not exceeding five hundred thousand dollars. The corporators, or any three of them named in the first section of this act, shall have the power to open books and receive subscriptions at such times and places as they may deem expedient; and when not less than one thousand shares shall have been subscribed, and ten per cent. thereon shall have been paid in, the shareholders may elect a board of directors, to consist of five members, Board of directors. a majority of whom shall constitute a quorum to transact business, who shall be elected annually by the stockholders on the first Saturday in February in each year, and who shall hold office for one year, or until their successors have been elected and qualified. At such election each stockholder shall be entitled to have one vote for each share of stock owned by him in said company. The directors so elected of said Power of directors. company, when it shall have been organized, and until they are so elected, the incorporators herein named may, and they are hereby, authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges that are hereby given, subject only to such liabilities as other stockholders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them.

§ 3. The directors shall elect from their number, at Elect president. the first meeting of the board after their election, or as soon after as convenient, a president and a vice-president, who shall hold their office for the term of one year, and until their successors are elected and qualified. The board of directors may appoint a Board appoints manager and other officers. a manager, secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require; and the holding of

one office shall not be incompatible with holding any other office or position in the company.

Fix salaries of officers.

Make by-laws.

Lien on stock.

Election for directors.

§ 4. The board of directors shall have the right and power to fix the salaries of any of its officers or employes. The board of directors shall make all by-laws necessary for conducting the business of the corporation, and shall have power to require payment of the amount remaining unpaid on the stock of the corporation at such times and in such proportion as they shall think proper, and may permit any stockholder to pay in full the amount of stock taken by him. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 5. All elections for directors shall be by ballot, and no person shall be eligible as a director who is not a stockholder to the amount of five shares. At any meeting of the stockholders, except at the annual meeting for the election of directors, a quorum shall consist of stockholders owning at least one-third in value of the capital stock. The board of directors shall have the power to fill any vacancy that may occur among its officers and directors.

Object of incorporation.

§ 6. The said corporation may, and is hereby authorized to do business, and exercise any power, rights and privileges herein granted in any State or Territory of the United States of America.

Act as agent for persons.

§ 7. The said corporation is hereby empowered and authorized to act as agent for any person or corporation in procuring or negotiating any loan or investment of money, or sale or purchase of any species of property, real, personal or mixed, under any agreement or terms that may be agreed upon by said corporation and the person or corporation with whom or for whom it may be acting or doing business. And said corporation is empowered and authorized to act as agent for any person or corporation in transacting

Collect rents, etc.

any business; in loaning or investing any money, collecting interest or the principal of any investment, in renting real estate or collecting the rents thereof

on such terms as may be agreed upon. And said corporation may guarantee the payment of the principal or any rate of interest it may promise to any individual.

§ 8. Said corporation is authorized and empowered Issue bonds. to issue and sell its own bonds, due at such times and bearing such rates of interest, and make said interest be payable at such times, and said principal and interest be payable at such place, as may be fixed upon by said board of directors of said corporation. The bonds shall be issued in denominations of one hundred dollars, two hundred dollars, five hundred dollars, one thousand dollars, and five thousand dollars, and shall have coupons for the interest that may accrue on each bond attached to each bond, and the bond and each coupon shall be signed by the corporate name, viz: "The Shelby Loan Company," which name shall be signed by the president of the corporation, and each bond and coupon shall be countersigned by the secretary of the corporation; said bonds and coupons shall be payable to bearer; said bonds so issued shall in each denomination be numbered from the number one upward, and the coupons on each bond shall be numbered, and shall show on the face thereof to what bond or denomination they belong. Denomination of bonds.

§ 9. Whenever any bond of either denomination Bond sold. shall be sold, the said company shall report to the Shelby County Trust Company, of Shelbyville, Kentucky, the number of the bond sold, and the denomination thereof, and to whom sold.

§ 10. And when any bond shall be paid by said company, it shall report to said Shelby County Trust Company that the same has been paid, and a record shall be kept of the payment thereof, and to whom paid. Any purchaser of any of said bonds, or any assignee of said bonds, shall have the right to re- Purchaser of bonds report said register on books. port to "The Shelby Loan Company" that he is the owner thereof, and require that said company shall

register on its record the number and denomination of his bond and that he is the owner thereof; and thereafter said company shall not pay said bond to any one else than said purchaser or assignee, or his personal representative, unless upon written notice from said purchaser, assignee, or representative to it of the transfer thereof by him to some one else.

Securities.

Notes kept on deposit.

§ 11. That "The Shelby Loan Company" shall always keep on deposit with the "Shelby County Trust Company," of Shelbyville, Kentucky, notes that are secured by lien on real estate, and said notes shall be at all times equal in value to the amount of the bonds of the company outstanding. And a failure to so do shall operate as a forfeiture of the further exercise of the privileges and powers granted by this charter to said company. And any bond-holder shall have the right to require the company to cease business, and to pay its outstanding bonds and the interest that has accrued thereon. The notes kept on deposit with the "Shelby County Trust Company," shall be held by it as collateral security to secure the payment of the outstanding bonds of "The Shelby Loan Company," and the interest that may accrue thereon; and said bonds and the interest thereof shall be a lien on said notes so on deposit prior to any claim whatever. Said company shall have the right to withdraw from the "Shelby County Trust Company" any notes so deposited, upon substituting another note or notes of equal value.

Authorize loan money.

§ 12. Said corporation is authorized and empowered to loan money in any State or Territory of the United States of America, and may loan same on such terms and times as may be agreed upon, just as any natural person could. And it may, for the purpose of securing any money so loaned, take mortgage on real or personal estate, or may have transferred or assigned or pledged as collateral security any note, bond, bank stock or stock of any kind, check, draft or any personal property of any kind, or any chose in action or

any interest therein; and may take personal security for any loan. And said corporation is authorized to buy, trade for, discount or purchase any bond, bank stock, or stock of any kind, note, draft or check, and shall be entitled to the benefit of any lien to secure same, which the assignee had, and it may enforce such lien just as the assignor might have done. Said corporation shall have the right to enforce any lien it may have on any estate, real, personal or mixed; and is authorized and empowered to purchase, own and hold, either at public or private sale, or at sale made under judgment of court or otherwise, any property on which it has a lien. And said corporation is further authorized and empowered to sell and convey any property it may own or acquire, whether real, personal or mixed. The conveyance of any real estate shall be made in the name of "The Shelby Loan Company," and shall be acknowledged by the president of the company; and such conveyance shall be made only in pursuance to an order of the board of directors of said company, which order shall be entered on the records of said company; and said conveyance shall recite that such order was so made by said directors. Said corporation shall, within ten years from the purchase thereof, sell any real estate it may acquire or purchase on account of any lien it held thereon, unless said real estate is needed by said corporation for the purpose of transacting its business therein. In such case it may keep same as long as it chooses to transact its business therein. Said corporation may acquire, purchase and hold such real estate as it may require for the transaction of its business, and may sell, exchange or lease same, or any part thereof, as it may desire.

§ 13. Said corporation may, from time to time, declare and pay dividends, but such dividends shall be paid only from the net earnings of the company.

§ 14. The principal office of said company shall be

in the town of Shelbyville, Kentucky, and the board of directors shall keep a record of their proceedings.

§ 15. Private property of stockholders in the corporation shall be exempt from liability for corporate debts.

§ 16. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 186.

AN ACT to incorporate the Eminence Live Stock Fair Association, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation
of
incorporators
and purposes of
incorporation.

§ 1. That for the purpose of the promotion of agriculture and improvement in breeding of live stock and the development of their speed, the following named gentlemen, to wit: Dr. E. T. Long, Dr. O. D. Todd, Wm. H. Curtice, John A. Crabb, Henry A. Brewer, Thos. C. Vanmeter, Jack Harding, W. H. Richie, W. L. Crabb, Geo. Smith, Pryor Berry, Jas. T. Williams, E. D. Crabb, and Dr. Samuel P. Oldham, and such other persons as they may choose to associate with them, be, and are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Eminence Live Stock Fair Association; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts; and shall be capable of acquiring, by purchase or lease, any quantity of land necessary to hold fairs, erect buildings and stables, and successfully carry out their plans that they deem necessary and proper. The association may adopt and use a corporate seal, and change the same at pleasure, and may for the time being use the private seal of their president.

§ 2. That said company is hereby authorized and

empowered to receive any subscriptions to the stock Subscriptions. of said concern which the president and directors may deem necessary to enable them to carry out the purposes and objects of said company.

§ 3. That the aforesaid incorporators shall be the Officers and directors. officers and directors of said association until the first Saturday in December, 1888, and on that day, and on each first Saturday in December each year thereafter, there shall be elected, by the qualified stockholders of said company, for the management of its affairs, such number of directors as shall be hereafter determined as necessary by the stockholders for the prudential management of the affairs of said company; and the directory shall elect one of their number president, and another vice-president, another secretary, and another of their number treasurer, and they may require bond of their treasurer and secretary for their faithful performance of duty.

§ 4. That as said association, in anticipation of this Legalizing board already elected. charter, has elected their president, vice-president, secretary and treasurer, and board of directors, all of whom are incorporators, the same is hereby legalized, and they will hold their offices until their successors are duly elected and qualified; and at any time there shall be a vacancy in the board, or from any cause the association shall fail to hold an election, those of the directory who are in office shall hold over until there is a regular election, and they may fill any vacancies in their board until next regular election by appointment.

§ 5. That the prudential, fiscal and other concerns Affairs to be managed by president and directors. of said company, together with all its estate, both real and personal, shall be under the control and management of the president and directors aforesaid, and they shall have power to appoint such other inferior officers and such number of police as they may deem necessary and proper to protect their property and preserve good order on their grounds, and suppress

gaming and other violations of law at any meeting or exhibition or show they may have; and when said police are appointed and duly sworn in by some one authorized to administer an oath, they shall be, and are thereby, clothed with same authority to suppress crime and make arrest for a violation of law as a constable or marshal of this State.

Directors may
make by-laws,
etc.

§ 6. That the president and board of directors shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this State, as, in their opinion, may contribute to the good order, management and prosperity of said company, and may from time to time modify or repeal the same at pleasure.

Capital stock.

§ 7. That the capital stock of said company shall be divided into shares of fifty dollars each, and every person who has or shall subscribe to the stock of said company the sum of fifty dollars, shall be a stockholder in said association, and each stockholder, for every fifty dollars of stock owned by him in said company, shall, in the elections of president and directors, be entitled to one vote for each share of stock.

Transfer of stock,
how made.

§ 8. That the stock of the company may be sold and transferred upon the books of the association, and the principal office of said company shall be in Eminence, Kentucky, and its books shall contain a record of all by-laws, resolutions, rules and regulations passed by them, as also a fair record of all their proceedings, which shall be open to the inspection of any one interested.

Limit of capital
stock.

§ 9. That the capital stock of this corporation shall at no time exceed twenty-five thousand dollars, and can only be increased upon a vote of the majority of stockholders, and is the company at any time permitted to incur any liability in excess of the assets of the concern.

Private property
exempt from cor-
porate debts.

§ 10. That the private property of the stockholders is exempt from the debts of the corporation, and the

directory are not to be in any way held individually liable for the debts of the concern.

§ 11. That this act shall be in force from and after its passage.

Approved February 18, 1888.

CHAPTER 187.

AN ACT to incorporate the Ezel Male and Female Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. B. Nickell, J. M. Pieratt, J. E. Quick-^{Names of incor-}soll, J. S. Nickell and R. M. Pieratt, and their asso-^{porators.}ciates and successors, be, and are hereby, created a body-corporate, under the name of the Ezel Male and Female Academy; and shall have power and authority by that name to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and defend, in all courts and places; and may have and use a common seal, with power to alter or change the same at will.

§ 2. That the capital stock of said company shall^{Capital stock.} not be less than fifteen hundred nor more than five thousand dollars, in shares of twenty-five dollars each.

§ 3. That it shall be lawful for the corporators^{Open books.} named in the first section of this act to open books for the subscription of the capital stock named in section second of this act. Any three of said board shall have power to act at all times, and when the sum of fifteen hundred dollars is subscribed said corporators shall call an election, and the stockholders shall elect five trustees as successors of said corporators, with^{Election of trustees.} power to elect from their number a president, secretary and treasurer.

§ 4. At least ten days' notice shall be given of the^{Give notice of election.} time and place of holding the first election of the

board of trustees, and all future elections shall be held annually on the first Saturday in July.

§ 5. All stockholders shall be entitled to one vote for each share of stock he or she may own, either in person or by proxy.

Stockholders
entitled to vote.

§ 6. The treasurer shall be required to give a good and sufficient bond for the faithful performance of his duties as such. It shall be the duty of said treasurer to receive all moneys, receipt for same, and pay it out on the order of the board of trustees, and signed by the president, taking a receipt therefor; and he shall keep a record, in a well bound book, of his acts, always open to the inspection of the board, and he shall perform such other duties as directed by the board.

Treasurer
bond.

§ 7. The secretary shall attend all meetings of the board, keep all records and papers, and perform such other duties as the board may require.

Duty of secre-
tary.

§ 8. The board of trustees, immediately after its organization, shall proceed to secure suitable grounds, and have erected on the same suitable buildings for school purposes.

Duty of trus-
tees.

§ 9. The board of trustees shall have power to make such by-laws, rules and regulations, as may be necessary and essential for their government, not to conflict, however, with the several sections of this charter. They shall also have power to employ or discharge teachers or superintendent of said school, as their judgment may direct. They shall have power to sell or lease said property; but all such sales or leases shall not be binding in law, unless ratified by a two-thirds vote of the actual stock as prescribed in section 5.

Make by-laws.

§ 10. The board of trustees shall have power to confer upon graduates of the institution such diplomas, honors and degrees, as evidence of scholarship, as are usual in schools and colleges of like standing in this Commonwealth.

Confer diplomas,
honors, etc., on
graduates.

§ 11. The board of trustees shall have power to fill Fill vacancies. all vacancies arising from death, removal, resignation, or otherwise, that may occur in said board.

§ 12. The individual property of the stockholders shall not be subject to the liabilities of this corporation.

§ 13. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 188.

AN ACT to legalize an order of the county levy court of Larue county levying an ad valorem tax to aid in the payment of said county's indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an order imposing and levying ten cents tax on each one hundred dollars' worth of property in Larue county, subject to taxation under the revenue laws of this Commonwealth, to aid in paying the indebtedness of said county, made and entered of record by the Larue county levy-laying court at its October term, 1887, for the ensuing year, be, and the same is now legalized and declared to be, as valid and binding as if due authority therefor had existed at time said order was made and said levy imposed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 18, 1888.

CHAPTER 189.

AN ACT to amend an act, entitled "An act for the benefit of the St. John's German Evangelical Church, at Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authority to
issue bonds.

§ 1. That the act, entitled "An act for the benefit of St. John's German Evangelical Church, at Louisville," approved March 21, 1878, be, and the same is hereby, amended as follows, to-wit: That the congregation of said church, or its acting trustees or officers, or any agents it may select for that purpose, are hereby authorized and empowered to issue bonds of the denomination of one hundred dollars each to the amount of thirty-five thousand (\$35,000) dollars, with interest coupons attached, and said interest shall be at the rate of five per cent. per annum, payable annually or semi-annually, and the principal payable in twenty-five years from date of said bonds.

Bonds—by
whom signed.

§ 2. Said bonds shall be signed by the president and secretary of said congregation, or of said board of trustees, or officers or agents, and sealed with the corporate seal of said church or congregation, and may be made payable to bearer and transferable.

Proceeds of sale
of bonds—how
used.

§ 3. The proceeds of the sale of said bonds shall be used in taking up and paying off the present bonded debt of said church or congregation, or any other indebtedness of said church.

May execute
deed of trust.

§ 4. For the purpose of securing the principal and interest of the said bonds the said church or congregation, through its said officers, trustees or agents, or by or through any person or persons it sees fit to appoint, is hereby authorized to execute a deed of trust to a trustee by it designated for that purpose, conveying to such trustee in trust, by way of mortgage, any property owned by it in the city of Louisville, including or excluding the property named in the said act

approved the twenty-first of March, 1878, and to make such terms and conditions in said deed of trust as they choose.

§ 5. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 190.

AN ACT to amend an act, entitled "An act regulating the city court of Louisville, and the remuneration of its officers," approved February 21, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the judge of said court may take vacations not to exceed eight weeks in any one year, and during such vacations the salary of the judge *pro tem.* shall be the same as now allowed by law in case of the sickness of the regular judge.

§ 2. That this act be in force from its passage.

Approved February 18, 1888.

CHAPTER 191.

AN ACT to amend an act, entitled "An act to incorporate the Adair County Agricultural Association," approved April 28, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of section 3 of an act, entitled "An act to incorporate the Adair County Agricultural Association," approved April 28th, 1884, as provides for the election of directors for said association annually, on the first Saturday in May, be, and the same is, repealed.

§ 2. That hereafter the directors provided for by said act shall be chosen annually, on the first Monday

in October: *Provided, however,* That the next election of said officers shall be on the first Monday in March, 1888.

§ 3. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 192.

AN ACT to amend and reduce into one the several acts concerning the town of Nebo.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Nebo, in Hopkins county, is hereby reincorporated, with the following boundary: Beginning at the first cattle guard west of the depot on the Providence branch of the Louisville and Nashville Railroad, running thence with the meanders of said railroad north seventy-two degrees, east fourteen poles; north eighty-one degrees, east twenty-six poles; north eighty-four degrees, east twenty poles; north eighty-five and a half degrees, east sixteen poles to the trestle; thence north twenty-nine degrees, east one hundred and twenty-one poles, to the south side of Main street; thence north two degrees, east sixty-two and a third poles, to the center of Green street; thence with the center of said street north eighty-eight degrees, west seventy poles, to the center of Hoffman street; thence with the center of Hoffman street north two degrees, east fourteen poles and twenty links, to a stake; thence north eighty-eight degrees, west ninety-seven poles and seven links, to the west side of Charles street; thence with the west side of Charles street south two degrees, west seventy-nine poles and six links, to the south side of Main street; thence south fourteen and one-half degrees, east one hundred and thirty poles, to the beginning.

§ 2. The fiscal, prudential and municipal concerns of said town, with the government thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Saturday in May by the qualified voters of said town. The said trustees, and their successors in office, shall be a body-politic and corporate, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, and transact all legal business, under the name and style of "The Board of Trustees of Nebo;" the said board may use a common seal, and do all other acts and things which a body-politic or corporate, having perpetual succession, can lawfully and rightfully do within the limits of the powers delegated by this act.

§ 3. The said trustees shall hold their offices for one year, and until their successors are duly elected and qualified. Before proceeding to act they will severally take the oath required by the Constitution of this State, and, in addition thereto, that they will faithfully discharge the duties of their office. No person shall be eligible to the office of trustee who is not over the age of twenty-one years, and who has not resided within the limits of said town for three months next preceding his election.

§ 4. The said trustees shall, at the first meeting after their election and qualification, select one of their number as chairman, who shall preside at all meetings when present, preserve order, put all questions, and sign the minutes and records kept by them. In the absence of the regular chairman, the members present shall elect one of their number as chairman *pro tempore*. The said trustees shall, by suitable ordinance or by-law, fix the time and place of their meetings, prescribe the mode by which called meetings may be held, impose penalties upon defaulting members, and regulate the conduct of all business. These regulations may be changed from time to time, in the discretion of said board.

Clerk.

§ 5. The said board of trustees shall appoint some suitable and competent person to act as clerk, who shall execute a bond with good sureties, payable to the said board, conditioned that he will well and truly discharge all of his duties as required by law or the ordinances of the town. Said clerk shall keep the records and transact such duties as he may be required to perform by order of the board.

Treasurer.

§ 6. The said trustees shall appoint one of their number as treasurer of the board, who shall give bond with good securities, payable to the board, conditioned that he will, in proper time and on demand, pay over and account for all money or other thing coming to his hands by virtue of his office, as the board of trustees may direct and as required by law; and that, in all things, he will well and truly discharge his duties. The said treasurer shall receive, hold and disburse all moneys belonging to said town, and shall annually, or as often as the board may direct, submit a report, in writing, showing the amounts received and disbursed.

Streets, alleys,
sidewalks, etc.,
trustees to have
power over.

§ 7. The board of trustees shall have power over the streets, alleys and sidewalks of said town, or which may be hereafter opened by them; and they may direct their improvement in such manner as may be most beneficial and to the best interests of the town. They may, by order, direct and require the owners of lots or parts of lots fronting any street or public ground to pave the same with such material and of such width and distance as said board may, by its order, require. When such work is ordered to be done, the kind and quality of the sidewalk or pavement required, with a description of the grade, width and distance, shall be specified in the order; and the time shall also be fixed in which the work shall be done. On the failure or refusal of the owners of lots or parts of lots to have the pavements or sidewalks constructed and laid within the time and in the manner provided by said board, then the board of trustees shall have the work done on contract, at the expense

of the town; but the whole expense thus incurred shall be charged to the parties respectively for whom the work is done, and may be recovered in any court of competent jurisdiction. The board shall have a lien on the lots in front of which such pavements or sidewalks are built for the cost of the work. If the board of trustees so elect and deem it best, the pavements and sidewalks may be built at the expense of the town.

§ 8. The board of trustees shall have power and authority, within the limits of said town, to preserve and protect the public grounds, streets, alleys, sidewalks, or public improvements of the town, or any public or private property therein; to preserve the peace, quiet and good order of the town, and the inhabitants thereof; to abate all nuisances, and punish all persons who create the same; to regulate the storage or removal of any unwholesome or combustible material that may tend to endanger property or to injure the health or comfort of the people; to provide the way and manner for constructing chimneys, flues, pipes, fire-places, and hearths which may be erected; for repairing the same, or those that have been erected, when they shall deem the exercise of such powers necessary for the security of life and property; to tax and license peddlers, auctioneers, and all itinerant persons vending goods, wares, merchandise, or personal property; to tax and license all shows, theatrical troupes, or public exhibitions for pay and profit; to prohibit the sale, barter, or loan of intoxicating liquors, and to punish those who do so; to pass such ordinances and by-laws as may be necessary to secure the quiet and good order of the town and the comfort and health of the inhabitants thereof, which are not contrary to the Constitution of this State or the United States. The powers herein delegated shall be enforced by ordinances or by-laws regularly enacted by said board of trustees, with penalties fixed and declared for their violation. The penalties

Powers of board
of trustees.

imposed shall in no case exceed one hundred dollars fine and thirty days imprisonment.

Cemetery and
park.

§ 9. The said board of trustees may take and hold, by purchase or otherwise, any quantity of ground, not exceeding four acres, within two miles of the town limits, as a burying-ground, or they may take and hold not exceeding the same quantity in the town limits as a park; and may make all needful and necessary regulations for the use and protection of said grounds or either.

Board to appoint
collector of taxes.

§ 10. The board of trustees shall have power to appoint a suitable person as collector of taxes, and will take from him a bond with good security, payable to the board of trustees of Nebo, and conditioned that he will well and truly discharge his duties, and, within the time provided by law, pay over to the person entitled to receive the same, all moneys and public dues collected by him. Said bond shall be put to record on the order book of the board and safely preserved by the board. On said bond suit may be instituted for a breach of its provisions in any court of competent jurisdiction. The said collector, in the collection of the taxes due said town, shall have the same powers by way of distress, seizure, and sale of property that sheriffs have by law in the collection of the State revenue, and shall be liable to the same penalties.

Board shall as-
sess a tax annu-
ally.

§ 11. The board of trustees shall have power and authority annually to assess, levy, and collect a tax, not exceeding fifty cents on each one hundred dollars' worth of property, upon all persons in said town; and also to levy and collect a poll tax of not exceeding two dollars on each male person over the age of twenty-one years, residing within the town limits. The property subject to taxation within the limits of said town shall be as provided in the general laws of this State.

Clerk to take tax
lists.

§ 12. The board of trustees shall annually require the clerk of said board to take the list of all persons

and property chargeable with taxes; or, if said clerk can not serve, they may appoint a suitable person to act as assessor. They may prescribe the time and mode of taking the list of taxable property and of ascertaining the value thereof; they shall also prescribe the oath to be administered by the assessor to all persons listing for taxation. When the list is taken, the assessor's book containing the same shall be returned to the board of trustees, and said board, at a regular or called meeting, shall examine said list, correct any errors of fact, either as to the value of the property listed or the names of the persons charged with the tax. If said board, after due examination, shall ascertain that any property has been listed below its true value, the same shall be fixed at its true value. But the value of property listed shall not be raised until the tax-payer has been given notice to show cause, if any he can, why the property should not be raised in value. When the assessor's book has been completed and duly revised and corrected by the board, a tax book shall be made from the same, containing the names of the tax-payers, the value of the property charged, and the aggregate amount of the tax due by each tax-payer; and thereupon the said book shall be delivered to the collector for the collection of said taxes.

§ 13. For all taxes levied by the said board of trustees under the provisions of this act, there shall exist Lien in favor of trustees for all taxes. a lien in favor of said board, upon the property of the tax-payers, until the taxes are paid. It shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same to the treasurer at the end of each week. Within three months from the time the taxes are listed with him, said collector shall make out and return to the board a report, in writing, showing the sums collected, the persons from whom the same were received, and the names of all persons who are delinquent, and the amount due by such delinquents. The board of trus-

tees shall examine said list of delinquent tax-payers, and allow such as can not be collected, and for those allowed, the collector shall have credit on settlement. The board shall, during each year, or as often as they deem it necessary, appoint a commissioner to settle the accounts of said collector.

Failure to pay
tax, how treated.

§ 14. If any person bound for the taxes imposed under this act shall fail to pay the same at the end of three months from the time the tax book is placed in the hands of the collector, then the said collector, after tendering to those residing within the town limits a receipt, specifying the amount of the tax and the property listed, shall levy upon so much of the property of the tax-payer in default as may be necessary to pay the taxes and costs, and after advertising the time and place of sale for not less than ten days for personal property, and not less than fifteen days for real estate, shall sell a sufficiency of said property to satisfy the tax and cost. Said sale shall be at some public place in said town, to the highest bidder, at public outcry, for cash in hand. The collector shall give to the purchaser a certificate of purchase, showing the property sold and the amount paid therefor, and in case the property sold is real estate, the certificate shall so describe the property that it can be identified. The owner of real estate sold by said collector shall have two years in which to redeem the same by paying to the purchaser the amount of his bid and twenty per cent. interest thereon: *Provided*, That infants, married women, and persons of unsound mind may have two years in which to redeem said property after the removal of their disabilities by paying the amount of tax, costs, and twenty per cent. per annum from the time of sale: *And provided further*, That non-residents of the county shall have two years in which to redeem their real estate under the same regulations above provided.

Trustees may
sell and convey
property.

§ 15. The said board of trustees may sell and convey any property, real or personal, owned by the

town, or any street or alley to which the town has title, and may reinvest the proceeds in other property for the use and benefit of said town. Any sale so made shall be ordered by an order of record, in which the ayes and nays shall be shown, and when thus directed, the deed shall be acknowledged for the board by the chairman and clerk.

16. The said board of trustees shall have power to ^{Lock-up.} erect a lock-up for the safe keeping of prisoners and all persons who are convicted of a violation of the town ordinances and sentenced to confinement by the police court or other court of competent jurisdiction. They may appoint a keeper of said lock-up, agree with him as to compensation, and provide rules for the government of the same.

§ 17. The said board of trustees shall have power ^{As to working persons on streets.} to work on the public streets or grounds of the town, any and all persons who have been convicted of a violation of the ordinances of the town, and who are confined in the town lock-up, either under sentence or for failure to pay their fines. Such labor shall not exceed the terms for which the persons confined are legally imprisoned; and in case the persons are imprisoned for failing to pay fines, the work shall be estimated at two dollars per day. The board shall provide guards, and adopt rules for working persons under this act. The court rendering judgment shall say in the order of confinement whether the said prisoners may be permitted to perform said work.

§ 18. There shall be elected on the first Saturday in May, 1888, and every two years thereafter, a police ^{Police judge, how and when elected.} judge of said town. He shall be elected by the qualified voters of said town, and shall hold his office for two years, and until his successor is elected and qualified. Before entering upon the duties of his office, he shall receive a commission from the Governor, and shall, in addition to the oath required by the Constitution, also take an oath to faithfully and impartially discharge the duties of his office. He shall execute

bond as provided in sections 12 and 13, article 13, chapter 28, of the General Statutes. The said police judge shall have exclusive jurisdiction of all prosecutions or actions for an infraction or violation of the ordinances and by-laws of the town; and his jurisdiction in all other criminal, penal and civil causes shall be the same as justices of the peace of Hopkins county. He shall be a conservator of the peace, and shall have all the jurisdiction, powers and authority confirmed by law upon a justice of the peace. He shall have power to issue process to compel the attendance of witnesses, to improve fines in cases of misdemeanor to the amount of sixteen dollars without the intervention of a jury; and to preserve order and punish for contempt as a justice of the peace can now do by law.

Duties of police judge. § 19. The said police judge shall keep a record of his legal proceedings, a certified copy of which may be used as evidence in all courts of justice, and shall have the same effect as records of a justice of the peace. He shall be entitled to receive and collect the same fees in all cases, criminal and civil, that justices of the peace are now allowed by law for like services, and may have the same remedies for their collection. Appeals may be taken from the judgments rendered by said police judge, as appeals are taken from the judgments of justices of the peace in similar cases. Warrants issued by said judge for an infraction or violation of the ordinances of said town shall be issued in the name of the Commonwealth of Kentucky, for the benefit of the board of trustees of Nebo.

Defendant may swear police judge off bench. § 20. The defendant in any criminal or penal prosecution, or any party to a civil action pending in said police judge's court, may make an affidavit that he or they believe that said judge will not give to such affiant a fair and impartial trial; and thereupon said judge shall vacate the bench, and the chairman of the board of trustees of Nebo shall preside in his stead.

Or if, for any cause, said judge can not properly preside, or shall be absent, the chairman aforesaid shall preside in his place; and in such cases the chairman of said board shall have all the powers for rendering judgment and enforcing satisfaction thereof, for preserving order, punishing for contempt, and other powers that are given by this act to the police judge. Should the chairman be absent, or disqualified, for any cause, from serving, then the board of trustees shall convene, and by order of record, select one of the justices of the peace of Hopkins county to preside during the trial. The said police court shall be open and in session at any and all times for the trial of criminal or penal causes, or cases arising out of a violation of the town ordinances. The holding of said court for the trial of civil actions shall be fixed in the same manner that justices' courts are now regulated by law. On all judgments of said police judge's court, in criminal, penal and civil cases, and for a breach of the town ordinances or by-laws, the same writs of *feri facias* and *capias pro fine* shall issue, as are allowed by law for the enforcements of similar judgments in the circuit or quarterly courts.

§ 21. At the same time that a police judge is elected, there shall be elected by the qualified voters of said town a town marshal, who shall hold his office for two years, and until his successor is elected and qualified. No one shall be eligible to said office except a *bona fide* resident of said town, who is over twenty-one years of age. Said town marshal shall be a peace officer, and shall have the powers and jurisdiction of a constable of Hopkins county in all criminal and civil cases. He shall attend all sessions of the police court, execute all process to him directed, and perform such other duties as may be required by the ordinances of said town. Before the said marshal proceeds to discharge his duties, he shall appear before the Hopkins county court and execute bond, with securities to be approved by said court, with the

Marshal, when
and how elected
and duties.

same covenants and conditions as the bonds of constables; and on said bond he shall be liable to any person suffering injury, in like manner as constables, and shall be subject to the same penalties. In addition to the oath required by the Constitution of this State, said marshal shall also take an oath to faithfully and impartially discharge the duties of his office according to law.

Fees of police
judge.

§ 22. The fees of the said police judge shall be the same as those given by law to justices of the peace for similar services; the fees of said town marshal shall be the same given by law to sheriffs or constables for like services; and they may have the same remedies, by way of distress or action, for their fee-bills as said officers are given by law, and shall also be liable to the same penalties.

Trustees may
open new streets
and alleys.

§ 23. The board of trustees of said town, by order of record—the yeas and nays being entered—may cause new streets or alleys to be opened within the limits of said town, or the present streets or alleys to be widened or extended, and may agree with the owners of the soil for the property so taken for public use. If the board shall fail to agree with the owner or owners of the land as to the amount of compensation, then it shall be lawful for said board to file a petition in the Hopkins county court, stating the facts in reference to the condemnation; and the court shall cause the proprietors of the land through which the street is to run or be altered, to be summoned for not less than ten days next before the succeeding county court, to show cause, if any, against the opening or alteration of said street. If no sufficient cause is shown against the opening or alteration of said street, then the court shall cause a writ of *ad quod damnum* to issue, and a jury to be empaneled, none of whom shall be residents of the town of Nebo. The jury shall meet on the ground, and be sworn as in case of a road, and the parties notified of the time of such meeting. After viewing the ground, the jury will say

what will be a fair compensation to each proprietor for the land proposed to be taken, and the damage to the residue of the land, including additional fencing, beyond the peculiar benefits which will be derived to such residue by the opening or alteration of the street. When completed, the inquest shall be signed by the jury, and returned by the sheriff or other officer to the clerk of the Hopkins county court. Upon the return of the inquest, the county court shall make an order fixing the amount of compensation assessed by the jury as the sum to be paid by the board of trustees.

§ 24. The board of trustees shall have power to appoint an attorney to prosecute all cases in the police judge's court for an infraction of the ordinances of the town, or to discharge any other legal services, and may agree with him as to compensation. Trustees have power to appoint an attorney.

§ 25. The said board of trustees may appoint a policeman or police guard to serve in the town limits, who shall have power to preserve the peace, and discharge such duties as the board may direct by ordinance. Policeman or police guard.

§ 26. That upon judgments rendered for imprisonment by the police judge, or for failure to pay fines assessed by said court, the parties convicted may be confined in the lock-up of said town or in the county jail of Hopkins county, as the court may order. In case of fine, the party confined shall remain until the fine is discharged, at the rate of two dollars per day; and for imprisonment he shall remain for the term fixed by the judgment of said court. Failure to pay fines—how punished.

§ 27. Any vacancy that may hereafter exist in any office of said town, as created and authorized by this act, shall be filled by the board of trustees, and the person appointed shall hold his office until succeeding election, and until his successor is elected and qualified. Vacancies in office—how filled.

§ 28. That every free male citizen over twenty-one

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Qualification of voters. of years of age, resident of the town of Nebo for sixty days, shall be qualified to vote for officers created by this act. That all laws against illegal voting in this Commonwealth shall apply to those voting illegally in the town of Nebo. The elections provided by this act shall be held by the clerk of the board of trustees, who shall give to the officers elected a certificate of election.

Trustees now in office to hold until successors are elected. § 29. The four trustees now in office in said town may hold and discharge the duties of their position until the next election, and until successors are elected and qualified; and they may appoint another trustee to serve with them in like manner. The said board may exercise the powers delegated by this act. The police judge and town marshal now in office may hold and discharge the duties imposed by this act until their successors are elected and qualified.

§ 30. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 31. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 193.

AN ACT to amend the articles of incorporation of the Warren County Agricultural and Mechanical Association, and to change the corporate name thereof.

WHEREAS, It appears that on July 15, 1875, J. H. Mallory, J. W. Eubank, N. H. Lucas, J. J. Claypool, P. B. Potter, H. Smith, L. P. Smith, Alfred Simmons, Hugh Barclay, N. P. Dillingham, and Samuel Kirtley, associated themselves, together with their associates and successors, and became incorporated under the provisions of chapter 56 of the General Statutes, under the name of the "Warren County Agricultural and Mechanical Association," said corporation having for its object "promoting improvement in the various departments of agriculture, mechanics, manu-

factures, fine arts, etc;” and whereas, stock was subscribed for in said corporation to the extent of eight thousand two hundred dollars, all of which has been fully paid for, and by mistake the certificates evidencing the issue of said stock were in the name of the “Warren County Fair” instead of the “Warren County Agricultural and Mechanical Association;” and whereas, the stockholders in said corporation desire the name thereof to be changed, and the issue of said stock legalized, and other rights not set forth in said articles of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of said corporation be changed Change of corporate name. from the “Warren County Agricultural and Mechanical Association” to the “Warren County Fair,” and by said name said corporation shall be known, may sue and be sued, contract and be contracted with; and said corporation shall have perpetual succession, and all the property, real, personal, and mixed, now owned by said corporation, shall still continue to belong to it under its new name; and in said name it may acquire other property, and may sell and convey any property it now owns or may hereafter acquire, whether real or personal.

§ 2. For the purpose of conducting its business, May acquire and hold real estate. said corporation may acquire and hold real estate, but not to exceed at any one time one hundred acres; and in case said corporation desires to sell any real estate now owned by it, or hereafter acquired, its board of directors may make such sale, and a deed executed in the name of said corporation by its president shall pass good and perfect title to the purchaser.

§ 3. The capital stock of said corporation may be Capital stock. increased by a majority vote of the stockholders to any sum not exceeding fifty thousand dollars, and the private property of the stockholders shall be exempt from liability for the debts of the corporation,

which exemption shall apply to the stock now issued as well as to any that may be hereafter issued.

Stock issued. § 4. The stock heretofore issued by said corporation, and now in the hands of and belonging to the stockholders, is hereby legalized, and is made as valid as though the corporate name of said corporation had been the "Warren County Fair" in said articles of incorporation; and said stock, and any stock that may hereafter be issued, shall be deemed personal property, and made transferable in such manner as the board of directors of said corporation may, by by-laws or resolution, prescribe.

Borrow money. § 5. The board of directors of said corporation are hereby authorized and empowered, for and on behalf of said corporation, to borrow such money as may be necessary for the use of said corporation in buying property, building upon or improving its property, and for conducting its affairs, and may pledge or mortgage the property of the corporation, either real or personal, for the purpose of securing any money so borrowed.

Hold fairs, etc. § 6. Said corporation may hold fairs, races and exhibitions, at such times as the board of directors may deem proper, and may offer such premiums for stock, agricultural and mechanical products, fine arts, etc., as said board may see fit; and said corporation may exercise all the rights and privileges that have been granted to any fair, trotting or running association in this Commonwealth, whose object is to improve live stock, or other farm productions, whether it or some other corporation or persons own, lease or rent the grounds and buildings where they hold such meetings.

Managers, officers, etc. § 7. The affairs of said corporation shall be conducted in the manner and by the officers and agents provided by said articles of incorporation, except in so far as said articles are repugnant to or inconsistent with this act; and section eight (8) of the articles of

incorporation to which this act is an amendment is hereby repealed.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 18, 1888.

CHAPTER 194.

AN ACT to authorize the Lewis county court to levy and collect an ad valorem tax for bridge purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The Lewis county court is hereby authorized to provide for the construction of a bridge across Kinniconick creek, at or near the mouth of the Montgomery fork thereof. To raise the money to pay for said bridge, the Lewis county court, at any regular term thereof, acting through its presiding judge, shall have the power to levy a tax not exceeding twenty cents on each one hundred dollars' worth of taxable property in the county, to be collected by the sheriff in the same manner as other county taxes are collected, and paid over as the court may direct, and for which tax said sheriff shall be responsible on his official bond. The county court may issue bonds of the county sufficient to pay for said bridge, which bonds shall draw six per cent. interest, and the tax levied shall be pledged to pay said bonds and interest. The bonds shall be issued payable in one, two and three years, and the tax levied shall be sufficient to pay said bonds and interest; and when said bonds and interest are paid, the tax shall cease. The tax herein provided for shall be levied for the year 1888 (and no bonds shall be issued to anticipate the tax for 1888); but the same shall be paid over when collected, on the order of the court. The bonds issued shall be sold at their face value, and no discount shall be

allowed in the sale. The bonds shall be signed by the county judge, and attested by the county clerk. The bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars. The contractors may take the bonds in payment for building the bridge, but shall take the same at their face value, and no discount shall be allowed. The county court shall appoint a commissioner to let out the contract and superintend the building of said bridge, which contract shall not be binding until the same is confirmed by the county judge, indorsed on the contract, and signed by him.

§ 2. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 195.

AN ACT to establish a system of public and high schools in and for the town of Sebree, in the county of Webster, for white children only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Public, high
school, estab-
lished.

§ 1. That there is established in the town of Sebree, in the county of Webster, a system of public and high schools, to be known as the Sebree Public and High Schools, and is to embrace a district of three miles square, or one and one-half miles from center of said district, said center to be at the crossing of Main street and Louisville & Nashville Railroad in said town, and the boundary lines to be geographically from said center. Said area is hereby incorporated as a school district, which shall be under the control of a board of trustees elected by the qualified voters of said district as hereinafter provided.

Board of trustees
incorporated.

§ 2. The persons elected shall constitute and be styled the Board of Trustees of the Sebree Public and High Schools, and by that name shall be a body-politic and corporate, and may sue and be sued,

contract and be contracted with, may buy and sell and convey real and personal estate, and the title to all public school property in said district shall vest in said board of trustees and their successors forever.

§ 3. The number of trustees for said district shall be five, to be elected as follows, to wit: The first board of trustees hereinafter named shall, by the ratification of this act, be the trustees of said district, and be known as charter trustees, and are to hold their office for a term of two years from and after the ratification of this act. Number of trustees.

§ 4. At the expiration of two years after said ratification, one trustee is to be elected annually thereafter at an election to be held on the first Saturday in June, the retiring trustee to be decided by the board by lot among themselves; said board of trustees to hold their offices until their successors are elected and qualified. One trustee to retire. Mode of ascertaining.

§ 5. A majority of said board shall constitute a quorum for the transaction of business. In case of the death or resignation of any of said board, or if, from any cause, a vacancy shall occur, the remaining members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify within ten days after being duly elected. Before entering upon their duties said board of trustees shall take an oath to faithfully discharge their duties as trustees before a justice of the peace, county judge, or notary public of said county. All their contracts shall be in writing, signed by the chairman and attested by the secretary of said board. Quorum. Shall qualify in ten days.

§ 6. They shall have power to fix the time and place of meeting; to make by-laws and rules for the government of themselves and appointees; to employ teachers and dismiss them for cause, and to prescribe the text-books to be used, and shall have the management, control and government of said schools. They shall keep a correct journal of all their proceedings, duly signed by the chairman and secretary of May fix time and place of meeting. To keep journal.

said board of trustees, which shall be open at all times to the inspection of any citizen of said district.

To appoint
chairman.

§ 7. Said board shall appoint one of their members chairman, who shall preside at all meetings, and perform such other duties as may devolve upon him as such. They shall also appoint a secretary, prescribe his duties and fix his salary. They shall employ all teachers, assistant teachers. Said treasurer shall execute bond for five thousand dollars with approved sureties, which shall have same bearing as the bond of the collector, and any other persons necessary to properly conduct said schools; and fix all rules for government of same; fix the salaries of all teachers and other employes; grade the schools and classes, and prescribe the necessary qualifications for and the mode of examination of pupils or persons for admission to the schools.

§ 8. Said board shall appoint a treasurer, who shall receive and pay out all moneys, giving and taking receipts for same, and shall, before entry upon his duties, execute bond with sureties to be approved by the board. Upon this bond he and his sureties shall be liable for all moneys received by him and not properly paid out. Said trustees shall have power to purchase a lot or lots, and to erect thereon suitable school buildings, and school furniture not to exceed six thousand dollars in value. They shall in no way encumber said house and lot or lots.

§ 9. All white children over six and under twenty years of age within said district shall have equal rights of admission to said schools free of all charges or tuition, except in cases where the child has completed the public school course as prescribed by law. Then the trustees shall have the right to charge such fee as may be agreed upon for instructions in the higher branches. It is expressly prescribed that white children only shall be admitted into said schools.

§ 10. The said board of trustees shall, at the end of each scholastic year, make out a report in writing, and have same published if they think necessary, showing the number of pupils in the schools, the condition and amount of property and funds belonging thereto. Should there be any funds left in hands of the trustees after purchasing the site, building thereon, and furnituring same, "from the fourth or any other year" assessment, the same shall be applied to the public school fund for defraying current expenses thereof, and such other information as the cause of education may require.

§ 11. The trustees empowered by this act shall have power to sell and convey the present school building in the town of Seabee, and apply the proceeds to the building of a new house. The following named persons are hereby constituted and appointed trustees under this act, viz: H. C. Bailey, S. R. Horner, Peter Countzler, P. M. Willingham and A. J. McMullin, with power to fill vacancies as herein provided, and serve a term of two years from time of ratification, or until their successors are elected and qualified.

§ 12. The board of trustees shall raise the necessary funds for the building of said school-house, paying for lot or lots, furniture, etc., etc., by issuing bonds of said district, not to exceed six thousand dollars face value, and in denominations of from one to five hundred dollars each inclusive, bearing a rate of interest not greater than six per cent. per annum, the interest to be paid annually. Said bonds to be redeemable at the discretion of the trustees, or when there shall accrue sufficient funds to pay off all or a part of them, after one year from date of issue. Said bonds to be redeemed numerically, beginning at the lowest number.

§ 13. To raise the funds to redeem said bonds a tax of not exceeding four dollars per capita and fifty cents ad valorem on each one hundred dollars' worth of all taxable property within said district shall be

levied for four consecutive years only, after being ratified by a majority of the legal voters of said district. All male white citizens twenty-one years of age residing within said district, who could vote for a justice of the peace if this was a justices' district, may vote; and all widows who own property, or who have children within the school age, may also vote by written proxy, and a majority of such votes shall determine the result.

§ 14. Said bonds above mentioned shall not run longer than five years, and shall pass by delivery and made payable to bearer; shall be signed by the chairman of the board of trustees, and be attested by the clerk or secretary thereof. It is further understood that no property belonging to any colored citizen of said district shall be taxed, ad valorem or poll.

§ 15. No catechism or other form of religious worship or belief shall be taught or inculcated in, nor shall any class book be used or adopted for, said schools which reflects upon any religious denomination or political persuasion, nor shall any class be so conducted as to interfere with the religious or political belief of parent or child.

§ 16. It is further ordered that said board of trustees, if they see proper or think necessary, shall have the power to levy a tax, not to exceed one dollar per capita and twenty-five cents ad valorem, on each one hundred dollars' worth of taxable property of said district, belonging to the white citizens thereof, for the purpose only of aiding the public school; none of said taxes is to go toward defraying the expenses of the high school.

§ 17. The trustees shall appoint an assessor to assess the property of said district, and agree with him as to his compensation; he shall also assess the polls within said district. He shall be duly sworn to faithfully discharge his duties.

§ 18. The trustees shall have power to appoint three disinterested and suitable persons, residents of said

districts, to review his lists and equalize the taxes. If a party fails to list his poll or property, the assessor shall do so for him. The assessments may be made any time between the tenth day of January and the first day of May following. But the first assessment for first year to be made immediately after the ratification of this act, and be as if made and relate as on that day, except if persons move into said district after that day, and prefer to send to school, they may do so, and have the option to enter upon the same terms as parties out of the district, or be listed and pay as from or in proportion to the time of entering his children in said schools.

§ 19. After the assessor has returned his list, and the same has been examined and approved by the persons appointed to discharge such duties by the trustees, the same shall be filed with the treasurer of said board of trustees, who shall keep the same as a public record.

§ 20. Said board of trustees shall have power to appoint a collector to collect said taxes, and to him shall the treasurer deliver a correct, a certified copy of said list, taking his written receipt for same. Said list shall be open to examination by any resident citizen of said district at any time who may wish to do so. Said collector shall execute bond for not less than five thousand dollars, with approved sureties, for the faithful discharge of his duties. All funds collected by him shall be paid over to the treasurer of the board of trustees, at a regular meeting of the same when a quorum is present, under the same responsibilities as to him and his sureties, as if it was a part of the county levy; and he shall have all the power to distrain and sell as sheriffs have when parties fail to pay State revenue or taxes. His compensation shall be such as the board of trustees may agree upon. It shall be the duty of the superintendent of public schools in and for the county of Webster, to pay over to the board of trustees, at a

regular meeting of the same when a quorum is present, all the moneys accruing to said district out of the public school funds of the State, as now directed by law, which funds shall be used only in payment of teachers of the common school branches in said school. The board of trustees may admit into said school any white children who are non-residents of said district, upon the payment of such tuition as may be agreed upon.

§ 21. This act shall take effect and be in full force so soon as the same shall be ratified by a majority of all the white votes cast by the white legal and qualified voters of said district, at an election to be held within sixty days after the passage of this act. Said election to be held only after same has been duly advertised, by either printed or written notices, so that all may be informed of the provisions of this act. If, at the first election held under this act, a majority of the legal voters fail to indorse the same, then, upon a petition of twenty or more citizens of said district to the county judge, he shall order an election or elections at such time or times as may be agreed upon by said petitioners: *Provided, however,* That said election or elections shall be duly advertised at least two weeks before the holding of the same, either by printed or written notices.

Approved February 18, 1888.

CHAPTER 197.

AN ACT to amend an act, entitled "An act for the benefit of Caldwell county," approved February 20, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Caldwell county," approved February 20, 1878, be, and same is hereby, amended by striking out section

twelve (12) thereof, and inserting in lieu thereof the following: "The county court of said county shall allow such compensation for services to secretary and treasurer of said board as may be reasonable and proper, same to be paid out of the fund created by this act."

§ 2. This act shall be in force from its passage.

Approved February 18, 1888.

CHAPTER 198.

AN ACT to amend the charter of the town of Wickliffe, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of said town of Wickliffe shall extend one-half mile from the court-house, north, south and east, and shall extend west from the court-house to the west side of the Mobile and Ohio Railroad right of way, and down said right of way south to the Mobile and Ohio depot, including said depot; thence from the north end of said depot, on a direct line with the south side of Ohio street, to the Mississippi river, and the same shall be known, and is hereby declared, the extended limits of said town. Extend corporate limits.

§ 2. That the trustees of said town shall be elected on the first Monday of August, 1889, and on the first Monday of August every two years thereafter, and shall hold their office until their successors are elected and qualified. Election of trustees.

§ 3. That all persons residing in said town shall be exempt from working upon the public roads. Residents exempt from road work.

§ 4. That the board of trustees of said town shall have the power to annually levy an ad valorem tax of not exceeding one dollar on each one hundred dollars' worth of taxable property in said town, and a Trustees levy tax.

poll tax of not exceeding two dollars on each male inhabitant in said town over the age of twenty-one years.

§ 5. The board of trustees for said town shall, on the first Monday of May in each year, appoint an Trustees appoint assessor. assessor for said town, who shall immediately proceed to assess all the property in said town subject to be assessed under the revenue laws of this State (railroad property excepted). He shall call upon each person residing in said town for a list of his or her property, and shall administer to each person an oath similiar to that administered by the county assessor in making the assessment for State purposes; and all Assessor's duties property shall be listed at its fair cash value. If any property in said town is owned by persons who do not reside in said town, such persons, if their place of residence be known, or if they have an agent whose place of residence is known to said assessor, shall be notified that a list of their property situated in said town is required for the purpose of assessment, and it shall be the duty of such person or agent to furnish a true list of such property, and its value, within ten days after such notice is sent or Shall notify non-residents. mailed to his address; and if such person or agent shall fail for ten days to furnish said list, then it shall be the duty of the assessor to ascertain, as fully as he can, the property owned by such persons in said town, and proceed to list and assess the same at its fair cash value. But a failure to send the notice herein provided for, or a failure to receive such notice, shall not render invalid the assessment made by the assessor.

§ 6. The property of said town shall be assessed as Shall assess if no response is made. of the 20th day of April in each year, and the assessor shall return his assessment to the board of trustees on or before the first Monday of June, each year, together with a list of all persons in said town subject to a poll-tax under this act.

Day of assessment.

§ 7. Immediately after the return of said list, the trustees of said town are hereby empowered to revise said list and correct the valuation of the property made by the assessor, and if they find any property has been valued at more than its actual cash value, they shall reduce the same to its actual cash value; and if they find that any property has been valued at less than its actual cash value, then they are empowered to raise such property to its actual cash value.

Trustees to
revise list.

§ 8. The town of Wickliffe shall have a lien on all property of said town until the tax assessed against it is paid; and if the assessor omits any property, the trustees are empowered to assess the same.

Town to have
lien for taxes.

§ 9. All taxes shall be due on the first Monday in July of each year, and if not paid upon demand, then the marshal or tax-collector shall tender such taxpayer a receipt for the amount due and demand payment, and if the tax-payer refuses to pay same, the officer shall immediately proceed to levy and sell for cash in hand any or all such property, or any property owned by such tax-payer, or as much thereof as may be necessary to raise said taxes and cost of sale: *Provided, however,* That no sale shall be made under this act until the same has been advertised by written or printed notice, posted in at least four places in said town, the court-house door being one, for at least ten days before the sale, which shall be made at public outcry: *Provided, also,* That all real estate sold by virtue of this act shall be reported by the officer making the sale to the chairman of the board of trustees, who shall preserve the same as a permanent record of his office; and the owner of such property, or any one authorized by him, may in twelve months from the date of sale, redeem such property by paying to said chairman the tax and cost due upon said property and twenty per cent. thereon. If said property is not redeemed as herein provided, it shall be the duty of said chairman to convey the same to the purchaser, and the deed to the purchaser shall, in

Taxes due first
Monday in July.

Power to enforce
collection of
taxes.

May sell and
convey property
sold for taxes.

all cases involving the title to said property, be *prima facie* evidence of the regularity of all antecedent steps. But in all cases where the owner does not reside nor has any agent residing in said town, then the presentation of the tax receipt and demand for payment thereof shall not be a condition precedent to the right to make said sale; but if the place of residence of such owner or agent be known, it shall be the duty of the officer, ten days before making the sale, to mail to his address a statement of the amount of taxes due, and request payment of same.

§ 10. The marshal of said town shall be *ex officio* collector of all taxes due said town, and as such collector shall execute bond before the board of trustees with approved surety.

May appoint
city attorney.

§ 11. The trustees shall appoint an attorney for said town, who shall have been, at the time of his appointment, a regular practicing lawyer for two years. It shall be his duty to prosecute and defend all cases in which the town is interested, and for his services he may receive such compensation as the board of trustees deem proper to allow him; in addition to this, he shall receive such fees as are now allowed by law to county attorneys for similar services.

May have side-
walks made by
property owners.

§ 12. The trustees may, at any time, require, by ordinance, any owner of any lot or lots, or part of lot or property in said town, to pave, with brick or gravel or wood, the sidewalk fronting or adjacent to such lot or lots or property, according to any plan or specifications the board may prescribe; the cost of said sidewalk to be at the expense of the owner of such lot or lots or property adjacent or fronting such sidewalk.

Board of trustees
may have side-
walks made.

§ 13. When the board of trustees deem it proper or necessary to have a sidewalk made in front of any lot or lots or property in the said town, they shall first notify the owner of such lot or lots or property, and in the notice give plan and specification of the kind of walk to be made; and if any owner of such lot or lots or property refuse or neglect to comply

with said notice within a reasonable length of time, then the trustees are hereby empowered to have said work done at the expense of the owner of the lot in front of which the sidewalk was made ; and the cost and expense connected therewith, and legal interest on money thus expended, and the cost and expenses connected therewith, and legal interest on the money thus expended by the board, shall be and remain a lien upon such lot or lots or property in front of which the work was done by the board, and shall be a debt in behalf of the town of Wickliffe against the owner of such lots or lot or property, until the same is discharged ; and said town may proceed to have said lien foreclosed by judgment of any court of competent jurisdiction. But before any such action shall be brought for the sale of any such lot, the owner thereof shall, if a resident of the town, have written notice of the amount assessed against his property for such improvements, and if not a resident of said town, notice shall be mailed, to him or his agent, stating the amount due, and in either case suit shall not be brought for thirty days after said notice has been served or mailed.

§ 14. The police judge of said town shall be elected on the first Monday in August, 1890, and on the first Monday of August every two years thereafter, and hold his office until his successor shall be elected and qualified. The police court of said town shall have exclusive jurisdiction of all infractions of the by-laws and ordinances of said town, and he shall have power to fine or imprison for contempt of court: *Provided*, Said fine shall not exceed three dollars nor imprisonment for more than six hours. The police judge shall have the same jurisdiction to hold examining courts as is now by law given to justices of peace. He may issue a *capias pro fine* upon all judgments in his court for a fine, and the cost in all cases in said court shall be collected in the same manner as fines ; and

Police judge, his
duties and
powers.

upon the failure of the defendant to pay cost and fine he may be confined in the lock-up of said town or the jail of Ballard county, at the expense of the town; but said confinement shall not be for a longer time than one day for each two dollars for fine and cost.

The chairman of
board trustees
may act as police
judge.

§ 15. If for any reason the police judge can not preside and try the case for an infraction of the ordinance or by laws of said town, then the chairman of the board of trustees for said town may preside and try such case; but he shall take the oath prescribed for the police judge.

§ 16. All acts in conflict with this act are hereby repealed.

§ 17. This act shall be in force from and after its passage.

Approved February 18, 1888.

CHAPTER 199.

AN ACT to change the dividing line between the counties of Mason and Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the dividing line between Mason and Fleming counties be so changed that hereafter Farrow's creek, from the point where it empties into the North Fork of Licking river, up said creek to the point where said creek crosses the Farrow's creek road, thence with W. F. Goddard's line to its intersection with present line between the counties of Mason and Fleming, be the line between the counties of Mason and Fleming, and all lands lying north or west of said line shall hereafter be within the boundary of Mason county.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1888.

CHAPTER 200.

AN ACT for the benefit of the Fleming County Farmers' Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all promissory notes made negotiable and payable at the Fleming County Farmers' Bank, or any National bank, or any incorporated bank of this State, and purchased or discounted by, or assigned to, said Fleming County Farmers' Bank, Flemingsburg, Kentucky, or to any National bank, or any incorporated bank of this State, and all inland bills purchased or discounted by, or assigned to, said Fleming County Farmers' Bank, shall be, and are hereby, put on the same footing of foreign bills of exchange, and on the same footing that such negotiable paper aforesaid is put by the statutes of this State, and like remedies may be had, jointly and severally, against the acceptor, drawer, and indorsers.

Discounted paper made as foreign bills of exchange.

§ 2. That on and after this date the aforesaid banking company may contract and be contracted with, sue and be sued, plead and be impleaded, in the name and style of "The Fleming County Farmers' Bank," or "The President, Directors and Company of The Fleming County Farmers' Bank," the same as if incorporated under the laws of this State; and shall purchase, hold, sell and convey any real or personal estate necessary to conduct a legitimate banking business, or to secure any debt due to it, or which may be sold for the payment of said debt.

May sue and be sued.

§ 3. And the president of said Fleming County Farmers' Bank, with the consent of a majority of the directors, is hereby empowered to alienate, sell and convey any real estate owned or hereafter acquired by said banking institution: *Provided, however,* That said bank shall not hold any real estate conveyed to it as security for, or purchased in satisfaction, in

May sell and convey real estate.

whole or part, for any debt or judgment due it, for a longer period than five years.

§ 4. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 202.

AN ACT to incorporate the Paducah Union Depot Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That Geo. W. Parker, Wm. K. Murphy, Robt. Moore, Charles Reed, Charles S. Marshall, Q. Q. Quigley, John Echols, James L. Frazier and D. G. Murrell, and their associates, successors and assigns, be, and they are hereby, created and made a body-corporate and politic, by and under the name and style of The Paducah Union Depot Company; and by that name may contract and be contracted with, sue and be sued, and may have and use a common seal, and alter or renew the same at pleasure, and shall have perpetual succession.

Capital stock. § 2. The capital stock of said Union Depot Company shall be two hundred thousand dollars (\$200,000), but may be increased by said company to one million dollars (\$1,000,000), in shares of one hundred dollars (\$100) each, which may be subscribed or purchased by any individual or corporation.

Subscription books opened. § 3. The incorporators herein named, or any three of them, may open or cause to be opened books for the purpose of receiving subscriptions to the capital stock of said corporation after having given public notice of the time and place of opening such books by publishing such notice in one daily newspaper in the city of Paducah at least ten (10) days before the date named therein for opening such books.

When meeting incorporators called. § 4. When twenty-five thousand dollars (\$25,000) of the capital stock of said company shall have been, in

good faith, subscribed, said incorporators, or any three of them, may call a meeting of the subscribers, giving each subscriber reasonable notice of the time and place of such meeting, and the subscribers may, at such meeting, organize said corporation by electing from their number a board of directors of not less than five nor more than nine members; and in such election, and upon all questions which may come before said meeting, each share of stock in good faith subscribed shall be entitled to one vote, to be cast by the subscriber in person or by his written proxy. Said board of directors shall elect one of their number president, and may appoint a vice-president, secretary treasurer, and such other officers, agents and employes, and may adopt such by-laws and regulations as they may deem proper for the management of the affairs of said company. Said by-laws shall provide for the annual and other meetings of the stockholders and for the annual election of directors.

Board directors
elected.

§ 5. A majority of the board of directors shall be a quorum, and a majority in value of the stock shall be a quorum at meetings of the stockholders. At all meetings of the stockholders subsequent to the meeting for organization, provided for in the preceding section, each share of the capital stock upon which the calls then due shall have been paid, and which shall have been registered, as the by-laws and regulations of the company may require, shall be entitled to one vote, to be cast by the holder thereof, in person or by his written proxy. The board of directors may fill vacancies in their board.

Directors may
fill vacancies
in
board.

§ 6. The president and directors shall be stockholders of said company, and shall hold their offices for one year, and until their successors shall be duly elected and enter upon the discharge of their duties, and shall have the management and control of the property, business, and affairs of the company; and may appoint such officers, agents, and employes as

President and
directors shall be
stockholders.

Appoint officers
and agents.

they may deem proper to that end; and may take bond, with surety, from any of them, conditioned for the faithful discharge of their duties, upon which said company may recover as often as there may be a breach thereof. The general office of said company shall be in the city of Paducah.

President and directors open stock book.

Stock declared personal property.

§ 7. It shall be lawful for the president and directors to open the stock book of said company, and receive subscriptions to its capital stock, or sell same on such terms and for such length of time as they may deem proper. Said stock is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the board of directors.

May locate, operate union passenger depot in Paducah.

Telephone and telegraph line.

May construct and operate inclines to river and operate boats and barges for transfer of trains.

§ 8. Said Paducah Union Depot Company is hereby authorized and empowered to locate, construct and operate a union passenger station and a union freight depot in the city of Paducah, Kentucky, with such buildings, platforms and other structures, and such telegraphs and telephones, and such tracks and sidetracks, as may be necessary or convenient and proper for the business of the company, which tracks may extend along the river front, so as not to prevent the convenient use of any wharf for shipping or other business, or by other route to any point or points in McCracken county, upon any railroad now or hereafter constructed, not exceeding five miles from the limits of said city; and by such tracks said company may, by steam or other power, meet and bring into such station or depot, or other point in said city, or make connection with the trains or cars of any such railroad; and may construct and operate inclines to the river, and maintain and operate boats and barges for the transfer of trains or cars and freight and passengers between said city of Paducah and any railroad which may approach the Ohio river opposite Paducah or near there; but said company may construct or operate such tracks only along or upon such

streets or other public places of the city of Paducah as may be agreed upon by said company and said city.

§ 9. Said company may acquire by purchase, consolidation, lease, or otherwise, such buildings or other structures, tracks, inclines, boats and barges, as by the preceding section it is authorized to construct and operate, and may connect its tracks with the tracks, yards, warehouses or other buildings of any and all railroads now or which hereafter may be constructed within said limit of five miles from said city; and for all services rendered the companies operating such railroad reasonable and uniform rates shall be charged without favor or discrimination; and said company may, by agreement with the proprietors, extend its tracks to stock, coal, lumber or other yards, warehouses, mills, factories, or other establishments within said limit; and for services rendered such establishments reasonable and uniform rates shall be charged without favor discrimination. Said company sell or lease its property, or any part thereof, and may subscribe to the stock of any railroad company or bridge company.

May acquire buildings, inclines, etc.

May extend tracks to coal, lumber or stock yards, etc.

May sell or lease its property.

§ 10. For the purposes of its business, said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, and conveying all real, personal, and mixed property which may be necessary to the carrying out of the objects of this act; and said company, by its authorized agents, may agree with the owners of any land or improvements or materials which may be wanted for the purposes of said company, for the purchase in fee-simple or the use of same; and if they can not agree, or if the owner or owners, or any of them, be under such legal disability as prevents them from contracting, or be out of McCracken county, said company is hereby authorized, by proper proceedings, to condemn any such lands, property, improvements, or materials needed for the

May acquire real or personal property necessary to carry out objects of this act.

purposes of the said company in the manner provided by law for the condemnation of land and materials for the use of railroad and turnpike companies, by act of the Legislature approved April 11, 1882: *Provided*, That said company shall have no power to condemn any property for the construction or use of any track to any private yard, warehouse, mill, factory, or private establishment, or any property not necessary to the proper exercise by said company of its powers herein granted to construct and operate a public union passenger station or freight depot and inclines to the river, and the necessary buildings and other structures and tracks for the proper operation thereof.

§ 11. Said Paducah Union Depot Company, in order to raise money, may issue and sell the bonds of said company of the denomination of one thousand dollars (\$1,000) each, to an amount not exceeding one million (\$1,000,000) dollars, bearing interest at any rate not exceeding six per centum per annum, payable semi-annually, with coupons attached, to be made payable as said company may direct; and to secure payment of the principal and interest of such bonds, said company may mortgage its property, earnings and franchises, or any part thereof, or execute deed of trust, with such covenants and stipulations as may be deemed necessary to effect the purpose and objects of its execution, conveying all or any part or parts of the property, earnings and franchises of said company to a trustee or trustees, and may fill any vacancies that may occur in the office of trustee.

§ 12. Said company may contract with any corporation, company, individual or individuals, for constructing, erecting and equipping said union passenger station, and said tracks, transfer boats, inclines, etc., and for the doing of any work which may be deemed by it necessary or desirable to fully carry out the powers and franchises hereby conferred; and may pay for the same wholly or partially in the stock,

bonds or other property of said company, in such manner and upon such terms as may be agreed upon and be deemed for the best interest of said company.

§ 13. Said company may contract with any person or persons, corporation or corporations, for the use and occupation of said union passenger station, tracks, transfer boats, inclines, or other property, or any part thereof.

§ 14. This act shall not be construed to repeal any part of the act to incorporate the Paducah Belt Railroad Company, passed at the present session of the Legislature.

Not construed to repeal any part of act incorporating Paducah Belt Railroad.

§ 15. This act shall take effect from its passage.

Approved February 18, 1888.

CHAPTER 203.

AN ACT for the benefit of the American Association, limited.

WHEREAS, It is represented that the American Association, limited, a corporation created by and under the laws of Great Britain, has acquired title to certain mineral and other lands in Tennessee and Virginia, at or near Cumberland Gap; and whereas, the Kentucky Development and Improvement Company owns certain coal, iron, mineral, timber, and other lands in Bell county, Kentucky, at or near Cumberland Gap, and which it desires to sell to the American Association, limited, aforesaid; and whereas, it is desired to empower the American Association, limited, to purchase and hold said lands, and other land in said county of Bell, and to mine upon and develop the same, and to construct and operate such railroads as may be necessary to connect the said lands with each other and with other railroads; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the American Association, limited, a corporation created by and under the laws of the King-

Incorporate.

dom of Great Britain, is hereby empowered to acquire by lease, purchase or otherwise, and to hold, use, sell, convey, mortgage, or otherwise dispose of any real estate or mining privileges, or other interest in real estate in the county of Bell, in the Commonwealth of Kentucky.

Object of incorporation.

§ 2. Said corporation is empowered to search for, mine, manufacture, make merchantable, buy, sell or deal in coal, coke, iron, stone or other metals or minerals, and may construct, maintain and manage such plants, machinery, tramways, warehouses, furnaces, or such other works and conveniences as may be necessary to carry on the business aforesaid.

Acquire and dispose of lands.

§ 3. The American Association, limited, with respect to acquiring or disposing of lands, or carrying on its business operations as aforesaid, and in all respects may sue and be sued, contract and be contracted with, and generally may exercise and enjoy such rights and privileges, and shall be bound to such duties and liabilities as are provided for corporations under the laws of this Commonwealth.

Issue and sell bonds.

§ 4. Said corporation shall have the right to issue and sell its bonds, and secure the payment of such bonds, principal and interest, by mortgage or pledge of its real estate, personal property, or railway property, or any or all of them, and to guarantee, or become joint obligors of, the mortgage bonds of any other railway or other corporation.

Construct and operate railroads.

§ 5. Said corporation is empowered to construct and operate a railroad so as to connect any lands it may acquire with each other, or with any railroad now built, or that may hereafter be built in said county of Bell, or to connect said lands with any railroad or railroads that may be built to the boundary line between the States of Kentucky and Tennessee, or Kentucky and Virginia, on the boundary line of the county of Bell.

§ 6. This act shall take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 204.

AN ACT to amend an act, entitled "An act to incorporate the City Passenger Railway Company," approved May 18, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the City Passenger Railway Company," be, and the same is hereby, amended as follows, to-wit: By so amending the third section of said act by striking out the words "five hundred thousand dollars" where they occur, so as to allow the capital stock of said corporation to be fixed at any amount deemed advisable by the first board of directors, who are hereby empowered and authorized to that end to fix the amount of the capital stock at any sum and amount in their discretion deemed advisable by the said board of directors as commensurate with the business undertakings of the company; and the bonds of said company may also so increase in number and amount, but not to a sum greater than that of the capital stock.

§ 2. The name and style of the corporation is hereby changed from that of the City Passenger Railway Company to that of Central City Passenger and Transportation Company; and under this name and style it shall have and enjoy all the rights, privileges and franchises originally granted to this corporation under its original act of incorporation; and also all the other lawful powers usual and incidental to railroad corporations in this Commonwealth, and which may be requisite and necessary for carrying into effect the objects and purposes for which it is created and established. That said Central City Passenger and Transportation Company is hereby authorized to construct its line or lines of railway, with double or single track, turnouts and switches, yards and sidings,

with a line or lines of telephone and telegraph; also to wholly or partially encircle the city of Lexington, conforming in general to the boundary line of said city, and conforming in a general way to the topography of the surface of the land, so as to secure safe and convenient grades, partly within and in part without the corporate limits of said city, in such a way as best to secure a route of communication between prominent points in the suburbs and the various depots and stations and railways, wherever the same are situated, now in operation as well as those hereafter constructed.

§ 3. That said company may, when a sufficient portion of its road is completed to justify the running of regular trains as common carriers, charge such rates for the transportation of freights and passengers as they may deem proper: *Provided*, The rates of freight charged shall not exceed the rates now being charged by other railways, or that may be hereafter regulated by law. That it shall be lawful for this corporation to sell, lease, consolidate said railway to any other company with whom they connect, upon such terms and conditions as may be agreed upon, or to purchase or lease the lines of any other company, or consolidate with any such company.

§ 4. Said act is further amended by striking out the ninth section of the act to which this is an amendment.

§ 5. This act shall take effect and be in force from and after its passage.

[Became law without the signature of the Governor February 17, 1888.]

CHAPTER 205.

AN ACT to incorporate the Bowling Green Real Estate, Contract and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. E. Potter, J. B. Wilson, W. E. Settle, Incorporators. W. H. Blakeley, J. B. Wilford, H. E. Jenkins, W. S. Spaulding, J. C. Adams, R. W. Hendricks and B. F. Cabell, and their associates, successors and assigns, be, and they are hereby, incorporated and made a body-corporate, under the name and style of the Bowling Green Real Estate, Contract and Improvement Company.

§ 2. Said company may have and use a corporate May use seal, etc. seal, may sue and be sued, plead and be impleaded, contract and be contracted with, make by-laws and regulations, not inconsistent with the Constitution and existing laws of this State, for the government and prosecutions of its business and the control of its affairs.

§ 3. The capital stock of said company may be any Capital stock. amount not exceeding five hundred thousand dollars, and divided into shares of two hundred (\$200) dollars each, payable at such times and in such sums as may be assessed or determined by the directors of said company: *Provided*, That no one stockholder shall own or hold more than one-third of the entire amount of stock subscribed.

§ 4. Said company is hereby empowered and author- Objects and purposes of corporations. ized to purchase, own, sell, hold, grant, convey, mortgage, lease, rent, use or occupy, acquire, dispose of and trade in real and personal estate, stock, bonds, choses in actions or other securities; may borrow money or lend same; may issue and sell bonds of the corporation; may engage in building and erecting houses and other buildings or improvements; may make contracts for the construction of street and

other railroads, and may engage in the business of constructing same; and may also construct and operate or maintain other works of public or private improvement; and may do any and all other acts that may be needful for or incident to the proper and successful prosecution of the business and corporation: *Provided*, That the right to lend money shall be exercised only in case it shall be deemed necessary by the directors of such corporation to make loans for the improvement of real estate; and for the purpose of securing such loans, and of securing other debts that may become due it, said company may take mortgages on other security.

§ 5. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and may continue in office until the first meeting of the stockholders thereof. At such meeting, and at every annual meeting thereafter, the stockholders of said corporation shall elect five directors, or as many more as may be prescribed by the by-laws and regulations thereof, who shall continue in office until their successors are elected. No one shall be elected a director unless he is the owner and holder of at least one share of stock in his own right in said corporation at the time of his election. Only stockholders in said corporation can vote in its elections; and each stockholder shall be entitled to one vote for each share of stock owned by him or her at the time of the election. The board of directors shall elect from their number a president, vice-president, secretary and treasurer of the company. Said board shall have power to fill any vacancies in the board of directors caused by death or resignation or otherwise; appoint, to hold during the pleasure of the board, such subordinate officers and agents of said corporation as may be prescribed by the by-laws and regulations thereof; and said board shall fix the compensation of such of the officers and agents of said company as it may agree to compensate, and take

First board of directors.

Directors elected

President, vice-president, secretary and treasurer, elected from directors.

Compensation of officers.

from them such bonds, with security, as they may require or deem necessary; and may, by its by-laws and regulations, prescribe and define the duties to be performed by such of the officers and agents of said company. All deeds, contracts, and other writings, to which said company may become a party, shall be signed by the president, or, in his absence, by its vice-president, who shall at all times act in the place of the president during his absence, or when from any cause he can not act himself.

§ 6. The stock of said company shall be deemed personal property, and certificates thereof, signed by the president and secretary of said company, shall be issued, and be assignable and transferable on the books of said company, in such manner as may be prescribed by the by-laws and regulations thereof.

Stock deemed personal property.

§ 7. The stockholders of said company shall not be, or be made, individually liable for its debts or liabilities, and the individual property of the stockholders of said company shall be exempt from all liability for its debts or liabilities.

Stockholders not individually liable for debts of corporation.

§ 8. The general office and chief place of business of said company shall be located in the city of Bowling Green, Kentucky, and all elections for its officers shall be held in said city.

General office, Bowling Green.

§ 9. This act shall take effect from its passage.

Approved February 20, 1888.

CHAPTER 206.

AN ACT to incorporate the Mt. Minish Cemetery Company, of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. R. Minish, S. D. Jones, J. M. Minish, Charles Gibbs, T. W. Minish, Jos. Dupuy, T. S. Hartford, C. M. Riley, and W. S. McCord, and their asso-

Incorporators.

ciates, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Mt. Minish Cemetery Company;" and by that name said company shall have perpetual succession, and shall have and use a common seal, sue and be sued, plead and be impleaded, in all courts of this Commonwealth and elsewhere. They shall have power to purchase or take, by gift or devise, any quantity of land in Owen county, not exceeding ten acres, nor at a greater distance from the town of Gratz than one mile, and secure a conveyance therefor. The land and appurtenances conveyed to said company shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith, and shall never be sold or used for any other purpose. The grounds, shrubbery, fixtures, and every thing growing thereon or belonging to said grounds, shall be exempt from taxation, and no part thereof shall ever be subject to sale by virtue of mortgage, judgment, execution, or decree, for any cause; no road or other passway shall ever be opened through said grounds, except by consent of the company, and shall not in any event pass over or interfere in any way with any lot that has been sold by the said company. The company may take and receive, by gift or devise, any land or other property to be held or appropriated to the ornamenting, improving, or extending of the grounds of the company, subject to the restrictions aforesaid, and may invest in State or county bonds, stock, or loan any spare funds they may at any time have; but the investments or loans of the funds of the corporation shall not exceed in the aggregate the sum of five thousand dollars (\$5,000).

§ 2. Any person may become a member of this corporation, after first organization, by purchasing one or more lots in said cemetery, as they are or may be surveyed or laid off by the aforesaid incorporators, who are hereby made the first board of directors; and the ownership of a lot or lots shall entitle the owner

Corporate name.

May acquire lands, etc.

Shall never be sold for other than cemetery purposes.

Property exempt from taxation.

Not subject to mortgage, etc.

Who become members.

First board directors.

to one vote at all meetings of the company and in the management of its affairs. No member shall be entitled to more than one vote.

§ 3. The affairs of this corporation shall be managed by a board of nine directors, members of the corporation, to be elected by ballot; a majority of all the votes cast shall elect. The first election shall be held at such time and place as the incorporators may designate, and they shall name three of their number to act as judges of the election. The said judges shall report to the incorporators, and they determine from said report who have been elected. After the first election, the duties herein prescribed for the said incorporators shall devolve upon the board of directors in office at time of any subsequent election. The directors shall give ten days' notice of an election, by posting written or printed notices thereof at three or more public places within said county. Immediately after the first election, the board shall be divided by lot into three classes, consisting of three each. The first class shall hold office until the next annual meeting thereafter; the second class a year longer than the first, and the third class a year longer than the second, so that, at each annual meeting after the first election, there shall be three directors chosen to serve for three years. In case of failure to elect, the old board shall hold over until next regular election, or until their successors are elected and qualified. A quorum of the board for all purposes shall be five persons.

Directors elected

Quorum.

Election notice.

Directors divided into first-class, second-class and third class.

Terms of office.

§ 4. The annual meeting for election of officers shall be held on the first Saturday in October, in each year, but special meetings may be called by the president of the board at the request, in writing, of three members of the board, at any time, provided notice thereof is given as aforesaid.

Annual meeting.

§ 5. The board of directors shall, at their first meeting after each annual election, elect by ballot a presi-

Officers elected.

dent, secretary and treasurer from their own body. These officers shall hold office one year, and until their successors are elected and qualified. The treasurer shall be required to give such bond as the directors may require.

Disposition of receipts.

§ 6. All receipts, whether from sale of lots, donations or otherwise, shall be applied exclusively, under the direction of the board, to laying out, preserving, protecting and beautifying the cemetery and opening and improving the road and avenues belonging thereto, and to pay the necessary expenses of the corporation.

Appropriate lots to others than members.

§ 7. The board of directors shall have power to appropriate lots for the burial of such meritorious persons not members of the company as they may see proper.

Evidence of conveyance.

§ 8. The original conveyance of lots from the corporation to individuals shall be evidenced by a certificate, signed by the president and countersigned by the secretary, under seal of the corporation, specifying that such person is the owner of such lot, and such certificate shall vest in the proprietor, his heirs or assigns, a right in fee-simple to such lot, exempt from taxation, execution, attachment, or any other claim, lien or process whatever, for the sole purpose of interment under the regulations of the corporation; and said certificates shall have the same force and effect as deeds duly executed in other cases, and may be recorded, and certified copies thereof shall be evidence as in other cases; and said lots, or such portions thereof as may be prescribed by the board of directors, and with their consent, may be conveyed by deed in due form of law for the sole purpose of interment of the dead. But no original certificate shall be issued to any person who does not produce a receipt from the treasurer showing that he has paid in full for his lot; nor shall any person own more than three lots at the same time, unless by the unanimous consent of the directors.

§ 9. For the purpose of convenient selection and Plat to be made. description, the board of directors shall cause a plat or map of the grounds of the corporation to be made, showing number and location of the lots, which map shall be recorded in the books of the company and in the office of the county clerk of Owen county.

§ 10. The board of directors shall have power to Powers etc., directors. inclose, improve and adorn the grounds and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for inclosing, adorning and erecting monuments in and on the cemetery lots; and to prohibit any use, division, improvement or adornment of a lot which they may deem improper; and they shall make report of their acts to each annual meeting of the stockholders of the corporation.

§ 11. Any person who shall willfully mutilate or Penalty for mutilating tombs or monuments, etc. destroy or deface, injure or remove any tomb, monument, grave-stone, shrubbery, ornament, or other structure placed in the cemetery aforesaid, or any fence or other thing pertaining or belonging to the cemetery, shall be guilty of a misdemeanor, and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than five hundred dollars, and by imprisonment in the county jail for a term not less than one nor more than ninety days; and such offender shall also be liable in an action, in the name of said corporation, to pay all such damages as may have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied, under direction of the directors, to the reparation and restoration of the property destroyed or injured; and members of the corporation shall be competent witnesses in said action.

§ 12. The corporation may make all such by-laws Make by-laws. as they may deem best for the government and management of the corporation and the cemetery and its appurtenances: *Provided*, That such by-laws and

regulations do not conflict with the provisions of this act, the laws of Kentucky or of the United States.

§ 13. This act to take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 207.

AN ACT to amend an act incorporating the Central Coal and Iron Company, approved March 18, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section six of said charter is hereby repealed, and that in its stead and in lieu thereof the following is hereby enacted, viz: That by a two-thirds vote of the stock of its stockholders said company shall have the right to borrow money and issue bonds of said corporation or company, payable at such times and places as may be agreed, and for the security and payment of said bonds may mortgage any or all the property of said corporation to the party or corporation from whom said money is borrowed, or any other person or persons. Said bonds may be made to draw interest at any rate not to exceed six per cent. per annum.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1888.

CHAPTER 208½.

AN ACT to incorporate the Mt. Sterling Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. G. Trimble, R. A. Mitchell, Jerre Cockrell, F. C. Holleran, James Chone, L. T. Chiles,
Incorporators.

C. G. Thompson, W. S. Fitzpatrick, C. W. Carpenter, Jas. E. Voris, M. S. Tyler, J. W. Hedden and H. Clay McKee, and J. E. Cooper, their associates and successors, be, and are hereby, created a corporation, under the name and style of the Mt. Sterling Street Railway Company, and by said name may have perpetual succession; may sue and be sued, plead and be impleaded with, have and use a common seal, alter the same at pleasure, contract and be contracted with, hold and acquire, by lease or purchase, real and personal estate, and dispose of the same by sale, lease or mortgage.

Corporate name.

May acquire and dispose of estate.

§ 2. Said corporation shall have power to construct, maintain and operate single or double track railway, with all necessary and convenient side-tracks, curves, turn-tables, turn-outs, depots, stables, shops and other needed structures; and said railway may begin at any point on Main or Maysville streets in the city of Mt. Sterling, and extend in any direction through any of the streets of said city: *Provided*, That the said company shall not take, hold, use or occupy any of the streets, alleys or highways in the said city of Mt. Sterling, except by and with the consent of the council of said city, to be first obtained, and only in accordance with such ordinance or resolution as said council may enact or pass for that purpose.

Object of corporation.

§ 3. The capital stock of said company may be one hundred thousand dollars, and shall be divided into shares of fifty dollars each. Said corporation shall have the right to commence business whenever ten thousand dollars of bona fide subscription shall be received, to be paid as required by the board of directors. The said incorporators or board of directors may open books to receive subscriptions to the capital stock at such time and place as they may deem proper.

Capital stock.

Books opened.

§ 4. The incorporators shall have power to elect from their number a president and such other officers and directors as may be necessary to manage the

Officers elected.

affairs of said corporation, until ten thousand dollars capital stock shall have been subscribed and paid in, when a majority of said stockholders representing a majority of the stock so subscribed and paid, may elect all the necessary officers of said company, to

Term of office. serve for the period of one year from the date of said election, when another election shall be held, and annually thereafter. The board of directors may make

By-laws. such by-laws and transact such business as the good of the corporation may demand, and may fill any vacancy caused by death or resignation in said board or the corps of officers. The said by-laws shall not be inconsistent with the Constitution or laws of the United States or State of Kentucky.

§ 5. If the line or lines of this corporation infringe upon any private property, and if no agreement can be arrived at between the company and said owner, of the compensation therefor, said corporation may proceed to condemn the same, except the streets, alleys and highways in the city of Mt. Sterling, by proceeding to condemn said lands or property in the manner set out in an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11, 1882. *Provided*, That no property shall be condemned such as may be absolutely necessary for the use of said company: *And provided further*, That in no event shall said company, or any person for them, erect any stable or building that will become or be a nuisance to any person or persons.

§ 6. This corporation may acquire the right of way from other corporations, lease or be leased, and may enter into such contracts with other corporations as may be agreed upon.

**May issue and
sell bonds.**

§ 7. Said company shall have power to issue and sell its bonds, payable at such times and places as it may deem best, and bearing a rate of interest not to exceed six per cent. per annum, payable semi-an-

nually, and may execute a mortgage upon its prop- Mortgage prop- erty.
erty, rights and franchises, to secure the same, which
may be enforced and foreclosed in default of pay-
ment, when due, of interest or principal.

§ 8. Private property of stockholders shall be Private property exempt from corporate debts.
exempt from corporate debts.

§ 9. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 209.

AN ACT to authorize the county court of Robertson county to issue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Robertson county be, May issue bonds of county.
and is hereby, authorized and empowered, for and on
behalf of said county, to provide for the issue and sale
of the bonds of the county, not exceeding thirty thou-
sand dollars in amount, for the purpose of paying off
the turnpike indebtedness of said county and reduc-
ing the rate of interest thereon.

§ 2. Such bonds shall be of the denomination of one Denomination of bonds.
hundred each, five hundred each, and one thousand
dollars each, with interest coupons attached, bearing Interest payable annually.
interest not to exceed six per centum per annum.
They shall be dated as they are issued, the interest
to be paid annually from the date of the issue of the
bonds respectively; the principal of said bonds to be
made payable at such time or times as may be found
most convenient and advantageous for the sale of said
bonds, not to exceed, however, twenty years; and the
interest, as it accrues, and the principal of said bonds,
as they mature, to be made payable at the State Na-
tional Bank, Maysville, Kentucky.

§ 3. Said bonds, under the direction of said court, Bonds signed by county judge and attested by county clerk.
shall be signed by the presiding judge of said county
and attested by the clerk of said court under his seal

of office; and it shall be the duty of said clerk to record, in a register kept for that purpose, the number, date, amount, and the date of maturity of each bond issued, with the names of the purchasers, and the price paid for each when sold; and he shall, upon presentation of any such bonds thereafter, record in such register any transfer that may be indorsed thereon, for which services he shall be entitled to a reasonable compensation, to be paid out of the county levy.

Recorded. § 4. The said court shall appoint some suitable person or persons to sell the bonds that may be issued as provided for in this act, to receive the proceeds of such sale or sales, and to apply the same to the payment of the turnpike indebtedness of the county; but none of such bonds shall be delivered for sale until the person or persons appointed to receive the proceeds thereof shall have first executed bond, payable to the Commonwealth of Kentucky, with good and sufficient surety, to be approved by said court, for the faithful discharge of all the duties required by such appointment, and the proper application of all moneys received under or by reason thereof; and the said county, or any person injured by the breach of any of the stipulations of such bond, shall have a right of action thereon against the principals and sureties therein: *Provided, however,* That none of such bonds shall be sold at a less price than par.

Who sell bonds. Proceeds applied Tax levied to pay interest and principal on bonds. § 5. The said court, in each and every year after the passage of this act, at the same time it is required by law to impose the county levy to meet the ordinary expenses of the county, shall levy an ad valorem tax upon all the taxable property of Robertson county for the purpose of paying the interest and principal of the bonds that may be issued under the provisions of this act until all of said bonds shall be fully paid; and the rate of taxation for that purpose shall be so fixed as to raise enough money to pay the said interest as it accrues and the principal of said bonds as

they mature, and not less than enough to pay the yearly interest and at least one thousand dollars of the principal of said bonds in each and every year. The said taxes so imposed for the payment of said turnpike indebtedness, when collected, shall be used for the payment of the turnpike indebtedness of the county and the principal and interest of said bonds, and for no other purpose.

§ 6. The sheriff or other collector of the county levy shall collect, account for and pay over the taxes so levied, to the person or persons appointed by said court to receive the same, in the same manner, at the same times, and under the same penalties and responsibilities as is provided by law for the collection and payment of the county levy proper, and for the same compensation; and it shall be the duty of said court to see that enough money is deposited from time to time, at the place of payment of the said bonds, to meet the payments of the interest and principal thereof as the same shall fall due.

Duty of collector of taxes.

§ 7. This act shall take effect from its passage.

Approved February 20, 1888.

CHAPTER 210.

AN ACT to incorporate the Carlisle County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a bank is hereby established at Bardwell, Corporate name. Carlisle county, Kentucky, to be called the Carlisle County Bank.

§ 2. That J. W. Turk, R. J. Young, W. C. Conley, J. W. Ray and T. T. Gardner, or any two of them, may at such time and place, and in such manner as is reasonable and convenient, open books for Books opened. subscription of stock, which will be in shares of one Capital stock. hundred dollars each, and when one hundred shares shall have been subscribed, and twenty dollars per

share paid thereon, the stockholders shall meet, or-
Elect directors. ganize and elect five directors, who shall serve one
 year and until their successors are elected and quali-
President elected fied. The directors may annually select a president
 of their number.

§ 3. The president and directors may appoint all
Officers and agents appointed and give bond. necessary agents, officers and servants, fix their com-
 pensation, and take bond or bonds as security for the
 faithful performance of their duties, and may, from
 time to time, maintain, in any court having jurisdic-
 tion, suit or suits thereon for breaches of the cove-
 nants thereof.

§ 4. The private property of the stockholders shall
Private property of stockholders exempt from corporate debts. be exempt from the corporate debts, save that each
 stockholder shall be liable for corporate debts to the
 amount of his or her unpaid subscriptions to the
 capital stock.

§ 5. The capital stock of said bank may be increased
Capital stock in-creased. from time to time to one thousand shares, as the presi-
 dent and directors may think advisable and proper,
 but shall not exceed that amount. The capital stock
Stock personal property. shall be personal property, and transferable only on
 the books of the company, in such manner as the
 president and directors may prescribe; but said bank
 shall have a lien on the stock to secure any indebted-
 ness of the stockholders to the bank for any unpaid
 subscription to said stock.

§ 6 It shall not be lawful for said bank to issue any
 note or bill to be passed or circulated as currency.

§ 7. Said bank shall have power to sue and be sued,
Sue and be sued, etc. contract and be contracted with, to plead and be im-
Object of corporation. pleaded, to receive on deposit money, bank notes,
 United States legal tender notes, and such other
 bank notes as may be current; to deal in bills of
 exchange, promissory notes, bonds, government
 vouchers, gold, silver, exchange and any other evi-
 dences of debt; to loan and to borrow money, and
 generally to do and perform all business usually
 done by banking associations; and may buy, hold,

sell and convey any real estate or other property as may be necessary to carry out the objects of its creation, and may receive such conveyances of real estate or other property as may be necessary to secure any debt due it, or which may be sold for the payment of such debt: *Provided*, That real estate received or had for any debt shall not be held for longer than five years; and said bank may receive collaterals to secure any debt due or loan made by it, and such collaterals may be subjected to the satisfaction thereof by proper suit or suits in any court having jurisdiction.

§ 8. All notes and bills made negotiable and payable at any incorporated bank in this State, or at any bank doing business under the laws of the United States, or at any bank doing business under the laws of any State in the United States, which may be discounted or purchased by this bank, together with all inland bills of exchange which may be discounted or purchased by it, shall be, and are hereby, put upon the footing of foreign bills of exchange.

Notes and bills payable at or discounted by, placed on footing foreign bills exchange.

§ 9. The affairs and business of said bank shall be managed by the president and directors thereof, and they may enact all by-laws necessary for the management of the business of said bank, not inconsistent, however, with the Constitution of this State or of the United States. The election of officers shall be held in Bardwell, and under such reasonable rules as the board of directors may prescribe; and each stockholder shall be entitled to one vote for each share of stock held by him or her, on which each call or assessment has been fully paid, and may vote in person or by written proxy.

Affairs of bank, how managed.

Election of officers.

§ 10. Any stockholder, or any person or committee appointed by the General Assembly of the State of Kentucky, or by the Congress of the United States, shall at all reasonable times, be permitted to examine the books of said bank.

Books may be examined.

§ 11. Said bank may continue for thirty years from
Continue 30 years its organization ; but the president and directors are
President and
directors may
wind up and
settle. authorized, at any time they so decide, to wind up and
settle up the affairs of said bank and cease to exist ;
and this act shall take effect from its passage.

Approved February 20, 1888.

CHAPTER 211.

AN ACT to incorporate the Paducah Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. F. Rieke, Clarence Dallam, I. W. Bernheim, T. H. Puryear, Muscoe Burnett, T. J. Flournoy, Charles Reed, William Borneman, Henry Burnett, H. M. Beauchamp, W. C. White, and their associates, successors and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name and style of "Paducah Water Company ;" and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer and defend, in all courts and elsewhere, as natural persons ; and may have and use a common seal, and change, alter and renew the same at pleasure ; and may ordain and put in execution such by-laws, rules and regulations for the government of said company, and for the sufficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution and laws of this State or of the United States.

§ 2. That the business and operations of said company shall consist in furnishing and selling to the corporate authorities and citizens of the city of Paducah, and of its suburbs, water for municipal, domestic, manufacturing, or other purposes, according to such terms as may be agreed upon between said company and the parties furnished with water. The

capital stock of said company shall be two hundred and fifty thousand dollars (\$250,000), divided into shares of fifty (\$50) dollars each, with liberty to increase the same from time to time, by a vote of a majority in interest of the stockholders, as the necessities of the company in the extension of its works may require. The said company may purchase or lease and hold as much land as may be required for its offices, agents and laborers, and sites for its water works, engines, reservoirs, stand-tower or stand-towers, and the usual or customary ornamental grounds and gardens attached, and may sell and exchange the same, as may be convenient or necessary for the operations and business of said company.

§ 3. That the city council of the city of Paducah is hereby empowered to grant, within its jurisdiction, unto the said Paducah Water Company, all the privileges required to enable said company to carry out its business as aforesaid, and to convey unto said company the right to lay pipes for the conveyance of water through or under all the streets, lanes, alleys, squares, and public wharves of said city; the company to replace said streets, alleys, lanes, wharves, and squares in as nearly the same condition as before laying said pipes as may be practicable.

§ 4. That all the rights of way and other privileges requisite for the laying of pipes and building water-works are hereby granted and secured unto the said Paducah Water Company, in so far as the jurisdiction of the State of Kentucky extends over the beds, margins and waters of the Ohio and Tennessee rivers, in or bordering on the county of McCracken and city of Paducah.

§ 5. That said Paducah Water Company may purchase or lease the real estate, mains, pumps, engines, connections, privileges, office furniture and fixtures, good will, and the leases and contracts of every kind and description, including all the property and rights of the Paducah Water Supply Company of Balti-

more, Maryland, upon such terms and on such conditions as may be agreed upon between the contracting parties; and nothing in this act shall be construed to change, modify or impair the liens now existing on the property of the Paducah Water Supply Company. Said Paducah Water Company may, by contract, obligate and bind itself to assume and execute the contracts now existing between the city of Paducah and the Paducah Water Supply Company of Baltimore, Maryland, and any other contracts such Paducah Water Supply Company may have with individuals or corporations or firms.

§ 6. As soon as one hundred thousand dollars (\$100,000), face value, of the capital stock of said Paducah Water Company shall have been subscribed for, any five of the incorporators above named, after due notice shall have been given, shall call a meeting of the subscribing stockholders, who shall, at such meeting, elect from their number seven directors; and at said election, and at all other elections, each share of stock represented shall be entitled to one vote. The said directors shall thereupon elect, by ballot, from their number a president, and also a vice-president, who, with the said board, shall hold office for one year, or until their successors are elected; and they shall have power to fill vacancies in their own board when caused by death, resignation or otherwise. To the said board of directors and the president shall be intrusted the care and management of the property and affairs of the company under the by-laws which may be made from time to time by the stockholders or by the directors. The said board of directors and president shall have power to receive, in payment of stock subscription, property, real or personal, and also stock in the Paducah Water Supply Company; the value of said property and stock respectively to be agreed upon by the contracting parties.

§ 7. That if any person or persons shall willfully, by any means whatever, injure or destroy any portion

of the water-pipe, hydrants or fixtures or connections thereof, or any part of the pumps, engines, buildings or stand-towers of said company, or shall willfully let on the water to flow after it has been stopped by the said company or its agents, or shall turn off water from any hydrant or stop-cock or connection of said mains or pipes, after same has been turned on, without the authority or consent of said company, such person or persons, upon conviction thereof before the city court of Paducah, shall be considered guilty of a misdemeanor, and shall be fined not less than one nor more than one hundred dollars, at the discretion of the jury.

§ 8. That the Paducah city court shall have jurisdiction of offenses mentioned in the preceding section.

§ 9. That the company may borrow money by issuing mortgage bonds or otherwise, or may execute and deliver a mortgage on all its property to secure any indebtedness of the company, and may sell its property and privileges.

§ 10. The private property of stockholders shall be exempt from corporate debts.

§ 11. This act shall take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 212.

AN ACT to incorporate the Louisville and Jeffersonville Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John F. Read, Jonas G. Howard, John C. Zulauf, Dennis Long, David Franz, Jr., Joseph Huffaker, J. W. Baird, Edward Fulton, William F. Taffel, and their associates, successors and assigns, be, and they are hereby, created a body-corporate and politic, Incorporators.

Corporate name. under the name of the Louisville and Jeffersonville Bridge Company; and as such shall have perpetual succession, may have and use a common seal, and alter the same at pleasure, and may enact such by-laws for its government as it may deem proper, provided the same be not inconsistent with the laws of the United States or of this State. It may also exact and receive surety from any of its officers or employes for the faithful performance of their duties, and shall have and enjoy all corporate powers, privileges and franchises necessary or proper to enable them to carry out and execute the purposes hereinafter designated.

May construct and operate bridge. § 2. The said company shall have right and power to construct, maintain and operate a bridge for the passage of cars and vehicles, propelled wholly or in part by steam, animal or other power, and for horsemen, pedestrians and live stock, over and across the Ohio river, from a point east of Preston street within the limits of the city of Louisville, in the State of Kentucky, on the south shore or bank of said river, to a point opposite thereto, within the corporate limits of the city of Jeffersonville, in the State of Indiana, and to charge, demand and receive tolls for the use thereof.

Where located. § 3. Said company, after the selection of the site of said bridge, shall have the right, with the consent of the general council, to cross such streets and alleys as may be necessary to fully carry out the purposes of this act, and shall have power to acquire, by condemnation or purchase, for right of way in fee-simple over or in any or all lands necessary to be acquired by it in order to construct, complete, and operate the said bridge and approaches thereto, and to make connection with any railroad now or hereafter to be constructed within the city of Louisville. The land necessary to be acquired by condemnation shall be condemned in the manner and under the proceedings provided for the condemnation of land for railroad

Condemn right of way.

purposes, as prescribed by the general laws of this State applicable to such proceedings. Application for such proceedings may be made in the Jefferson county court, the Jefferson court of common pleas, or the law and equity court.

§ 4. The said company may issue capital stock to Capital stock. an amount not exceeding one million five hundred thousand dollars, divided into shares of one hundred dollars each, and may issue mortgage bonds to an amount not exceeding one million dollars, payable at such time as it may deem proper, and bearing interest at not exceeding six per centum per annum, payable semi-annually, and may make the principal and interest thereof payable at any place designated in the said bonds, and may secure the payment of such bonds and interest by a mortgage upon all the Mortgage property and franchises. property, franchises, rights, and privileges of said company; the directors of said company may issue and deliver so much of the stock and bonds aforesaid, at par, as they may by contract agree in payment for rights of way, land, material furnished, work and labor done, in the building of the bridge aforesaid, or in carrying on the business of said company.

§ 5. The affairs of said company shall be conducted Board of directors. by a board of not less than five or more than nine directors, as the stockholders may from time to time provide, who shall be elected annually, at such time and place as may be provided by the by-laws of the company; but the incorporators herein named shall act as a board of directors until an election shall be held: *Provided*, Such election shall be so held one year after the organization to be had after the passage of this act, and until their successors are elected and qualified; and the board of directors shall annually Officers. elect a president, vice-president, secretary and treasurer, and such other officers as they may, from time to time, deem necessary for the proper management

of the business of the company. The president and vice-president shall be elected from the directors, and the offices of secretary and treasurer may be held by one person; all vacancies occurring in the board may be filled by the remaining directors.

Tolls.

Sinking fund for
payment of
bonds.

§ 6. The tolls charged by said company shall be such as may be fixed by the directors, from time to time: *Provided, however,* That the aggregate tolls charged by said company shall not be more than is sufficient to pay the expenses incident to maintaining, renewing and operating the said bridge and its appurtenances, the payment of taxes, interest on its bonded indebtedness, and provide a sinking fund for the payment of its bonds at maturity, and a semi-annual dividend of not exceeding eight per centum per annum on its capital stock.

§ 7. Shares of stock in said company shall be deemed personal property, and exempt from taxation; the bridge structure proper shall be taxed for State and other purposes, in the same manner and at the same rate as real estate; but the real and personal estate of said company, independent of the bridge structure proper, shall be taxed for State and city purposes, in the same way and at the same rate, as other property of the same kind is taxed.

May operate its
own engines and
cars.

§ 8. The said company, may if it deems proper, operate its own engines and cars or vehicles, on and over said bridge, its approaches and connecting lines, or it may by contract provide for the operation of the same by any other company.

May consolidate
with other bridge
company.

§ 9. The said company shall have the right and power to unite or consolidate with any other bridge company having authority under any act of the Legislature, or organized under chapter 56 of the General Statutes, for the same purpose as herein granted, upon such terms as may be mutually agreed, but not to consolidate with any bridge already built; and when so united, the said consolidated company shall have and enjoy all rights and privileges either of said

corporations may have been entitled to under their respective charters.

§ 10. Said bridge company shall begin work within two years and complete the same within five years.

§ 11. This act shall take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 213.

AN ACT to authorize the counties of Pulaski, Wayne and Clinton, and certain towns and magisterial districts therein, to subscribe stock in any railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That either of the counties of Pulaski, Wayne or Clinton, or any incorporated town or city or magisterial district therein, may subscribe to the capital stock in any railroad company that may or shall propose to build, construct and operate a railroad therein.

Counties may subscribe to capital stock of railroad.

§ 2. Before any subscription is made it shall be the duty of the county judge of the county, a majority of the justices of the peace in commission concurring, in which the subscription is desired to be made, to submit to the qualified voters of the county, town, city, or magisterial district proposing to make the subscription, the question whether stock shall or shall not be taken and subscribed in said railroad company by such county, town, city, or magisterial district. The submission of the question to the qualified voters may, in their discretion, be made by the judge, a majority of the justices of the peace of such county concurring, whenever application shall be made to him by a petition of at least twenty resident taxpayers of such county, town, city, or district requesting that the question of subscribing to the capital stock of any railroad company, upon the terms and conditions set forth in the petition, be

Submit to vote.

How submitted.

submitted to a vote of the qualified voters of such county, town, city, or district. Upon the filing of said petition the judge, a majority of the justices of the peace of such county concurring, shall fix, by order of record, the time of holding the election and taking the sense of the voters on said proposition; the election to be held at the different voting places in said county, town, city, or district, and by officers to be appointed by the judge of the county court.

Notice. Not less than ten (10) days' notice shall be given by notice thereof to be published in such county in a newspaper published therein, if there be one, and by posting printed posters at each voting place of the time of the election. The amount of the stock proposed to be taken, and the terms and conditions upon which it is to be made, shall be stated in the order of submission to the voters. If the election is held in the county or magisterial district, the returns of the votes and election to be made and compared in the same way and manner and to the same court or persons to whom similar returns are required to be made in the case of an election of a member of the House of Representatives of the Commonwealth of Kentucky; but where the election only applies to an incorporated town or city, the returns shall be made and compared in the same manner as other towns or city elections.

Amount stock to be named in order. How returns made.

§ 3. If, at an election held as herein authorized, a majority of the qualified voters who vote at said election shall vote in favor of taking and subscribing for the amount of stock specified in the order, then the judge of the county court shall subscribe for, and take on behalf of the county or magisterial district, the amount of the stock so specified in the order: *Provided*, That the amount of the above order shall not exceed seven and one-half per cent of the taxable property in said county or magisterial district: *Provided further*, That the limitation of seven and one-half per cent shall only apply to the counties of

How subscriptions made.

Wayne and Clinton; and if the election shall only apply to an incorporated town or city, then, and in that event, the chairman of the board of trustees or the mayor shall do for it the same office as prescribed for the county judge in case the election applies to a county or magisterial district.

§ 4. The county judge, or chairman of the board of trustees, or mayor, as the case may be, shall issue Duty county judge or chairman trustees as to. bonds of the county or magisterial district, or town Issual of bonds. or city, of such denominations as said judge, or the board of trustees or city council, shall determine, to the amount of the stock voted, the judge acting, where the stock is voted in a county or magisterial district, and the board of trustees or city council acting, where the stock is voted in an incorporated town or city, respectively. The bonds issued shall be payable to Bonds payable. bearer with coupons attached, bearing any rate of interest not exceeding six per cent. per annum, pay- Interest. able annually, and the bond and interest payable at such time and place in the State of Kentucky or city of New York as shall be designated on the face of the bond, the time of payment not to exceed thirty years. The bonds of the county or magisterial dis- Bonds, how signed, etc. trict shall be signed by the judge and attested by the county clerk, and those of a town or city by the chairman of the board of trustees or mayor, and attested by the town or city clerk; and in either case the official seal of the clerk, or seal of the town or city, shall be affixed thereto.

§ 5. The said bonds shall not be binding or a valid Bonds not valid till railroad completed. obligation until the railroad to which the aid is voted shall have been completed through the county, district, town or city, or to its terminus therein, so that a train of cars shall have passed over the same, at which time they shall be delivered to said railroad company in payment of the subscription of such county, district, town or city, or they may be sold at not less than par, and the proceeds applied to such payment, and in either case the county, dis-

trict, town or city shall thereupon be entitled to receive certificates for the stock subscribed, and the county judge of the county, or the board of trustees or city council, as the case may be, shall order that such bonds shall be deposited with a trustee or trust company to be held in escrow, and delivered to the said railroad company, or sold, as may be determined when the road shall have been completed as aforesaid: *Provided, however,* That such trustee or trust company shall, before receiving such bonds, give bond with good surety, approved by the county judge, chairman of the board of trustees, or mayor, for the faithful performance of his or its duty in the premises.

County, district
or town have
prior lien on
property.

§ 6. If at any time the railroad company in which said stock is subscribed and taken shall become insolvent, or shall be sold or placed in the hands of a receiver, such county, district, town or city shall have a superior lien over all other creditors of said railroad company, except laborers, for the amount of its stock, estimated at its par value, on that part of the road built or constructed in such county, district, town or city. This lien shall only be in proportion of the money paid by said county, district, town or city to the cost of the whole road within the limits thereof.

County judge
levy tax.

§ 7. It is made the duty of the county judge of the county in which said stock may be taken and subscribed, and he is required, to levy annually a tax upon all the property in said county or district voting the subscription, now or that may hereafter be listed and taxed under the revenue laws of this State for State taxation, a sum sufficient to pay the interest on said bonds as it may accrue, and the cost of collecting said tax; and the same duty is enjoined upon the board of trustees or city council where the subscription is taken by an incorporated town or city.

Provision for
payment of
bonds.

§ 8. The county judge and a majority of the justices of the peace in commission, and the board of

trustees or city council, respectively, are authorized and required to make provision for the payment of said bonds at maturity; and to enable them to do this, they may establish a sinking fund, and loan out the money constituting the same at any rate of interest Allows 8 per cent. they can obtain, not less than six nor more than not exceeding six per cent. per annum. The interest on said money shall be payable annually, and the borrowers may be required to give additional security at any time, whether the note be due or not due; and Suit. upon failure to give the required additional security, suit may be instituted for the payment of the same in the name of the county, district, town or city. The notes shall be made payable to such county, district, town or city, and mortgages on real estate to secure the notes may be made to such county, district, town or city interested therein. The county judge and the majority of the justices of the peace, or the chairman and the majority of the board of trustees of the town, or the mayor and the majority of the city council of the city, respectively, shall concur in making each loan, or the county court, board of trustees, or city council may appoint a commissioner, or a board of commissioners of the sinking fund of said county, district, town or city, to make said loans; and in case a commissioner or board of commissioners are appointed, suit may be instituted for the payment of the same by said commissioner or board of commissioners, in their official capacity. They may at any time, when there is a sufficiency in the sinking fund, buy in the bonds of the county, district, town or city, or authorize their commissioner or board of commissioners to do so, if any person or corporation owning the same is willing to have the same redeemed.

§ 9. The sheriff shall be the collector of said tax Collector of taxes. where the collection is to be made from the county or magisterial district, and the tax collector of the Duties. town or city shall be the collector where the collection is to be made from a town or city; and for their ser-

vices they shall receive the same commissions, respectively, as they are entitled to under the law for collecting the county levy and the ordinary levy of the town or city. They and their sureties shall be responsible in the same way and to the same extent on their official bonds as collectors of taxes that they are responsible for the county levy or town or city tax respectively, and the same proceedings may be had against them and their sureties that can or may be instituted to enforce the payment of the county levy or town or city revenue. The county, district, town, or city subscribing and taking any stock shall have a vote for each share of stock; the votes may be cast by proxy in any meeting of the company to elect officers or for other purposes. The county court and each member thereof, the board of trustees of the town, or city council of the city, shall be liable for a faithful and prudent investment and management of the money and funds that may or should come to their control under the provisions of this act.

§ 10. This act shall take effect and be in force from and after its passage.

Approved February 20, 1888.

CHAPTER 214.

AN ACT to incorporate the People's Homestead and Saving Association of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. Baldauf, Edmond Oberdorfer, Gaston M. Alves, S. A. Young, L. F. Wise, Walter S. Alves, and John O'Byrne, be, and are hereby, incorporated, under the name of the People's Homestead and Saving Association; and by that name it may sue and be sued, and contract and be contracted with, and possess such powers and transact such business as appertains

generally to building and loan associations, but in no sense such business as appertains to or as is incidental to banking. The said association may accumulate funds from the periodical payments on the stock thereof subscribed for, and permit its stockholders to anticipate the ultimate value of their stock out of the accumulated funds hereinafter provided for; and to secure such advancements and obligations to said association as herein provided, they are authorized to mortgage their real estate. The said association may, to save or secure the payment of any debt due it, purchase any real estate, but not to purchase or speculate in real estate in general; and any real estate purchased or owned by said association shall be taxed as other real estate is taxed. The by-laws may authorize the board of directors, in their discretion, to anticipate the accumulation of funds arising from the weekly payment of dues, interest and fines, as herein provided, by borrowing money in the name and on behalf of the association, but no indebtedness thus created shall exceed ten thousand dollars at any one time.

Objects of corporation.

Mortgage real estate.

Purchase real estate.

By-laws.

Indebtedness limited.

§ 2. The capital stock of said association shall not exceed in the aggregate and full ultimate value thereof, at any one time, five hundred thousand dollars, and shall be divided into shares of the ultimate value of one hundred dollars each, which shares may be issued in one or more series, in such amount and at such time as the board of directors may determine. But no person shall own at any one time exceeding forty shares of said stock. Each person subscribing to the capital stock of said association shall pay into the treasury thereof a membership fee of not less than twenty-five cents per share, and as dues upon said stock, at such times and place as may be fixed by the by-laws, weekly installments of twenty-five cents upon each and every share subscribed for, such payments to commence from the issual of the series, and to continue until the accumulated funds in the treas-

Capital stock limited.

Shares.

ury, applicable to that series, is sufficient to pay one hundred dollars on each share in that series, when same shall terminate pursuant to this charter as hereafter expressed; and then each non-advanced member in such terminating series shall be entitled to receive from the association one hundred dollars on each share owned by him in said series; and each member in such terminating series, who had anticipated and received the ultimate value of his shares before its termination, as above provided, shall, at such termination, stand acquitted of any further obligation to said association on account of his subscription for shares in such terminating series; and any mortgage given by him to secure the performance of his duties as such advanced member shall stand canceled: *Provided, however,* That no series shall run longer than five and one-half years from the date of its issual, at which time the non-advanced members in the series thus expiring shall receive the statement value of their shares as per last statement, together with their proportion of the reserve fund, and the payments of advanced members therein shall cease, and their mortgages and stock canceled.

§ 3. For each failure of any member to pay his dues at the proper time and place he shall be fined five cents per share, but no fine shall be charged in any case upon a fine in arrears, nor shall there in any case be a fine charged after a member shall have defaulted in his proper payments for six consecutive months. No fines shall be charged against a deceased member, unless his legal or personal representatives shall, on behalf of such decedent's estate, undertake and promise to continue the payment of such decedent's periodic dues and other installments, when, in case default is made, fines may be assessed, as in all other cases: *Provided,* That the by-laws may authorize the board of directors to remit any fine, or to suspend the assessment of fines in any case, and extend the time for arrearages to be paid up.

Penalty for failure to pay dues.

§ 4. The shares of any non-advanced member, who Shares forfeited. shall continue in arrears in the payment of his periodic dues thereon for a longer period than six consecutive months, may be forfeited, at the option of the board of directors, upon thirty days' notice to such defaulting shareholder, and in default of payment of all dues in arrears and fined thereon before the expiration of said thirty days, his account shall be cast as described in section 2, and the amount so found shall be held by said association subject to the order of such defaulting member; but no interest shall be allowed thereon to such member after the date of such transfer.

§ 5. Upon the death of a non-advanced member, the Disposition of shares on death of member. withdrawal value of his shares shall be ascertained as of the date of his death, as in section 2 hereof, which withdrawal value shall be paid to said deceased member's personal representative upon thirty days' written notice given by him to said association, which payment shall operate as a cancellation of such shares.

§ 6. Before the issual of a new series of stock, the Issual of new series, how and when. books of the association shall be closed and a statement of stock values made. Such statement shall exhibit an apportionment of two-thirds of the net profits among the shares of the different series pursuant to rules to be furnished by the by-laws or the directors. The remaining one-third profits shall be Reserve. carried to an account on the books of the association, to be termed the "reserve fund;" the purposes of Purpose of reserve. this reserve being to meet any contingencies that might arise in the affairs of the association: *Provided*, That the by-laws may allow the directors, in their discretion, at any time, to apportion more than two-thirds of the net profits to the stock: *Provided further*, That the regular weekly payments termed "dues" are not to be construed as profits, but are to be carried directly and unimpaired to stock as stock payments.

§ 7. Whenever there may be a surplus undistrib- Priority. uted fund in the treasury of the association any member or members thereof, wishing the priority of right

to anticipate and receive the ultimate value of his or their share, upon tendering such security for the performance of his duties as an advanced member, shall be entitled to such priority of advance upon the following conditions, at such times and places as the by-laws may fix. Said surplus undistributed fund shall be offered at auction to those members wishing to anticipate the ultimate value of their shares, and the one bidding the highest premium shall be awarded such right, and thereupon, on his complying with all the duties of advanced members, he shall be entitled to receive by way of anticipation the full ultimate value of all the shares so bid upon by him: *Provided*, That before making such bid or being awarded such priority of right, he shall tender to such person or persons, as may be designated by the by-laws, security satisfactory to them for the due performance of all the duties and obligations of an advanced member.

§ 8. An advanced member shall, besides his weekly dues, pay into the treasury of the association the premium bid by him for the priority of right to such advance at such times and places and in such part or parts as may be provided in the by-laws, and in like manner interest on the amount actually advanced, not exceeding the rate allowed in this State. In case any advanced member shall fail for three consecutive months to promptly and fully pay his dues and installments of premium and interest, or either of them, the association may proceed, at law or in equity, to coerce payment of the sum found due from him as ascertained in accordance with the rule hereinafter provided, in case of coerced payments, in the same manner as sums of similiar amounts are collected in courts of this Commonwealth. The association may require each advanced member to keep all taxes on the property mortgaged to it paid up, as well as to keep such property insured for the benefit of the association; and in case such taxes are not paid and such insurance kept up, and premiums therefor paid by

How determined

Dues of advanced members.

Advanced members keep property insured.

such advanced member, the association may pay such taxes and assessments, and cause such insurance to be effected, and keep up and pay the premiums therefor, and charge same to such shareholder as a part of his indebtedness on account of his advance; and any mortgage or other security given the association shall be expressed to be and shall secure such payments in like manner as same secures the other indebtedness of said member to the association. The association may require every advanced member to pay into its treasury the legal fees incurred by it in obtaining an examination, and report as to the title to the property offered as security, and of mortgages, attachments, liens, and incumbrances thereon, as well as the cost of recording such instruments as may be necessary to effect such security; and the directors may require that such fees and costs shall be paid when the application is made or when such member receives his advance. Any member who shall have purchased the priority to anticipate or receive in advance the ultimate value of his shares, who shall fail, for ten days after acquiring such right, to submit to such person or persons as the by-laws may appoint security satisfactory to such person or persons to secure such advance, his subscription for such shares may be, by the board of directors, declared waived, void, and of no effect. The corporation hereby created being of the nature of a mutual co-operative association, the dues, premiums, interest, and other charges against a member, authorized by the charter and by-laws made in pursuance thereof, shall be deemed legal and enforceable.

§ 9. Before, or at the time a member who has purchased the right to an advancement shall receive same, he shall execute and deliver to the association a good and valid mortgage upon real estate situated in the county or city of Henderson, Kentucky. Such mortgage shall plainly set forth the number of shares subscribed for, and in what series, as well as the sum advanced thereon to such member, and shall be con-

Duties of advanced members continued.

ditioned to secure on the part of such advanced member the full and prompt payment of all the periodic dues, premiums and interest accruing on such shares and advancement, as well as all fines and other legal charges incurred or imposed thereon, pursuant to the act of incorporation and the by-laws adopted in pursuance thereof. In addition to said mortgage, the stock of an advanced member shall stand pledged to the association, and it shall have a prior lien thereon, as additional security for the performance of all his duties and obligations to the association as an advanced member.

Voluntary withdrawals. § 10. Voluntary withdrawals of stock of non-advanced members may be made at any time as per the value given in the last statement of stock values, together with the subsequent dues paid in, less fines and other charges, if any, against such stock: *Provided*, That thirty days' written notice may be required by the directors to be given them: *And provided further*, That not more than one-half of the funds on hand shall be subject to withdrawals without the consent of the directors, and that no more than the dues paid in shall be allowed members withdrawing before the expiration of one year from the date of their subscription.

Advancements canceled. § 11. An advanced member may, at any time after six months, cancel his advancement and retain his stock in full value, by repaying the amount of his advancement, together with all fines and other charges, if any.

§ 12. An advanced member may, at any time after six months, cancel his advancement and withdraw from the association, by repaying his advancement, less the withdrawal value of his stock, as given in section 2.

Coerce settlement. § 13. Whenever it shall be necessary to coerce settlement with, and collect from, an advanced member the amount due the association, his accounts shall be made up as provided in section 12, and the amount so

found due the association shall bear six per cent. interest from the casting of his account.

§ 14. Whenever the statement value of any series, together with its proportion of the reserve fund, shall equal one hundred dollars per share, said series shall mature, and the non-advanced members shall receive their value, and the advanced members shall have their mortgages, stock and obligations canceled in settlement.

§ 15. At the issual of a new series, should the directors have reason to believe that any series will have matured, or reached its ultimate value of one hundred dollars, before the issual of the next succeeding series, then the directors shall cause said series to mature at that time, by crediting it with its proportion of the reserved fund, and then causing the advanced and non-advanced members alike to pay into the treasury of the association a sum sufficient, in proportion to their respective shares, to make the statement value of that series equal one hundred dollars per share for that series, when the non-advanced member shall receive one hundred dollars for each share owned by them in that series, and the advanced members shall have their mortgages and obligations canceled.

§ 16. The number, title, functions and compensation of the officers, agents or servants of said association, the time, place and manner of their selection, and their term of office, the qualification of electors, and the time and place of the meetings of the officers and stockholders, shall be governed by the by-laws: *Provided*, That in all meetings of stockholders each stockholder shall have but one vote; except in the election of officers, each stockholder shall have one vote for each share owned by him, not, however, to exceed twenty-five votes.

Officers, etc.,
titles and com-
pensation and
election gov-
erned by by-laws.

§ 17. All installments of moneys received by the association from its members shall be receipted for by a person or persons designated by the by-laws in a

pass-book to be held by each member and provided by the association, which book shall be plainly marked with the name of the member holding same, and must show the number of shares held by such member, the number and designation of the series to which such shares belong. All moneys so received by the association shall be entered by the proper officer in a book kept for that purpose, and the entries therein shall be made so as to show the name of the payer, the number of shares paid on, and the number of the series to which they belong, as well as the dues, premiums, interest, and fines paid thereon. All payments or disbursements made by said association shall be made only on order, check or draft upon the treasurer, signed by the president and secretary, and indorsed by the person or persons in whose favor the same is drawn, and no such order, check or draft shall be drawn unless authorized by the board of directors. The name of the payer, the amount paid, and the purpose for which said payment was made, and the date when drawn, shall be entered on the counterfoil of said order, check or draft, and preserved as a voucher by the officer drawing same. It shall be the duty of the secretary to make out a statement, in writing, sworn to by him before some officer authorized to administer oaths in this Commonwealth, and forward same to the Auditor of State on or before the first day of July in each year, showing the actual gross amount of dues paid into the treasury of the association for the twelve months next preceding the first meeting for the payment of dues in the month of March, and the association shall pay into the Treasury of the State, on account of and for its stockholders, on or before the first day of October in each year, fifty cents on each one hundred dollars of such dues, and the stock thus taxed shall be exempt from all other taxation, State, county or municipal; but this exemption shall not be construed to apply to the real estate owned by the association, nor

to the real estate purchased by said advanced members from ten advancements received from said association, or any real estate mortgaged to said association.

§ 18. The stockholders in said association, in all meetings and upon all matters in which they may be entitled to vote, may cast their votes either in person or by written proxy.

§ 19. The People's Homestead and Saving Association of Henderson, Kentucky, organized under chapter 56 of the General Statutes, may, by a vote of two-thirds in amount and number of its stockholders, ratify and adopt this act as an amendment to their articles of incorporation, or they may adopt this act as a substitute, and in lieu of their said articles of incorporation; and in the latter enact all the rights, property, stock, books and affects of said first mentioned company shall be transferred to and become part of this company, and the rights of the stockholders and the company shall be the same as if originally organized under this act.

§ 20. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 215.

AN ACT to incorporate the Rugby Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. W. Overton, Alfred T. Pope, and Chas. F. Johnson, and such other persons as they may associate with themselves for the purposes of this act, and their assigns and successors in perpetuity, be, and the same are hereby, constituted a body-politic and corporate, under the name and style of the Rugby Railway Company; and by that name they are authorized to make contracts, to sue and be sued, to

make, have and use a common seal, and alter the same at pleasure ; to make, adopt and repeal by-laws, rules and regulations for the government of said corporation ; and shall have and are hereby invested with all the privileges, powers, and immunities which are or may be necessary to construct, equip, complete, maintain, and operate a railroad, with the necessary depots, stations, switches, side-tracks, and turn-outs ; and they shall have all other lawful powers usual and incident to corporations, and which may be requisite or necessary to carry into effect the object and purposes of this act and the corporation hereby created.

§ 2. The business and property of this corporation shall be under the control of a president, vice-president, secretary and treasurer and board of seven directors, a majority of whom shall constitute a quorum for the transaction of business. The directors shall elect from their own number the president and vice-president, and shall appoint the secretary and treasurer, and all other such officers and agents as they may deem necessary for the preservation of the corporation property and the transaction of its business. The persons named in the first section of this act, together with four others to be selected by them, shall constitute a board of directors to serve until the second Monday in January, 1889, or until their successors are elected. A meeting of the stockholders shall be held on the second Monday in January of each year, at which a board of directors shall be elected from their number. The stockholders shall be entitled to one vote for each share of stock held, and may vote in person or by a proxy duly authorized in writing. The stockholders' meetings shall be held at such places as the directors may appoint, after one notice published in a newspaper in the city of Louisville, Kentucky, ten days prior thereto. The board of directors, or a majority of the stockholders, may call a stockholders' meeting at any

time, by giving the above notice and stating its object. The board of directors shall fill all official vacancies.

§ 3. The capital stock shall be two millions of dollars, to be divided into shares of one hundred dollars each, for which certificates shall be issued, signed by the president and countersigned by the secretary, with the seal of the corporation attached. Such stock shall be personal property and the certificates assignable, but the transfers shall not be voted against the corporation until noted upon its books. The above named board are empowered to open books for subscriptions to the capital stock at such times and places as they may appoint, said subscriptions to be paid in money, property, work or materials, or in such other manner as may be agreed upon between said board and the subscriber. When fifty shares of said stock have been subscribed for, the company may commence business.

§ 4. The corporation is empowered to lease or purchase property and equipments and operate the same ; or buy, hold and transfer stock in other railroad corporations, and may make payments upon such leases and purchases in stock or bonds, and may sell or lease its own franchise and property ; may build and operate a railroad, commencing at a point in Whitley county, on the Louisville and Nashville Railroad, at or near Jellico, thence across to the point where the Capuchime creek flows into Jellico creek ; thence up Jellico creek to Gum fork or vicinity ; thence across to the Cincinnati Southern Railroad, at a point near the line between the States of Kentucky and Tennessee. And said corporation shall be a common carrier of freights and passengers, and may charge compensation therefor ; and may construct, build, equip and operate chutes, tramways, or branch railroads.

§ 5. The said corporation may issue and sell the bonds of the company, of the denomination of five hundred and one thousand dollars, to be signed by the president and countersigned by the secretary,

with the seal of the corporation affixed, to an amount not exceeding two millions of dollars, bearing not exceeding six per cent. interest, payable semi-annually, with coupons for the same attached, signed by the secretary of the corporation; said bonds to be payable not exceeding thirty years from their date, as said company may direct. And to secure the prompt payment of said bonds and interest, the company may execute a mortgage or deed of trust, conveying its entire property and franchises, or any part thereof, to a trustee or trustees, for the use and to secure the holders of said bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution. Every mortgage, deed or conveyance must be signed and acknowledged by the president.

§ 6. If the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all said bonds that have been issued, and verify the same by affidavit, which affidavit and list shall be filed in the court where such proceedings are pending. Such foreclosure shall not be had until ninety days after publication of notice thereof shall have been made in a newspaper published in the city of Louisville, Kentucky. The person or corporation becoming the purchaser or lessee, under or by reason of any sale or leasing to satisfy said bondholders, shall be vested with all the rights, privileges, franchises and immunities of this corporation.

§ 7. That to secure the final redemption of bonds issued under this act, a sinking fund may be created by said company, and to that end it may, at the time it declares each cash dividend, set aside a sum for that purpose until a fund is created sufficient to pay the outstanding bonds, which fund shall be sacred for the redemption thereof, and be used for

no other purpose; but the company may loan and reinvest the sums so set apart, or invest the same in some safe and profitable manner until the same can be used in redeeming said bonds. Upon agreement with the holders thereof, said bonds may be redeemed before maturity, and whenever redeemed they shall be canceled. The board of directors shall fix the place at which the principal and interest of said bonds shall be paid, and the price at which the same shall be sold.

§ 8. The corporation is empowered to contract with the owners for the right of way and earth, timber, stone, gravel and other material necessary to open and construct its road-bed, depots and switches; and if it can not agree with such owners as to the compensation therefor, it shall have the right to condemn the same as provided by the General Statutes in cases of railroads.

§ 9. The corporation may construct and operate telegraph and telephone lines along its railroad and branches, and may acquire any corporate rights, privileges and immunities, similar to those herein granted, from any other State: *Provided*, The same are not inconsistent with its charter and the laws of this Commonwealth. It shall make its preliminary survey and commence work upon its railroad within one year, and complete the same within five years from the passage of this act.

§ 10. The corporation may purchase or receive by donation land, timber, gravel or other material to be used for any of the purposes herein authorized, and may lease, sell and convey the same. Whenever the holders of a majority of all the stock issued shall concur, said company may consolidate with any other railroad corporation on such terms as may be agreed upon; but no such consolidation shall in anywise affect any bonds theretofore issued, or the mortgage or deed of trust to secure the same. It shall have the power to connect its track with any

other railroad, and to make such traffic and running arrangements with the same as may be mutually agreed upon.

§ 11. Each board of directors shall remain in office until their successors are elected; they may change the time for the annual meeting of stockholders; may fix the compensation of the president and other officers, and prescribe their duties; and may fill all vacancies that may occur in said board or any other office; and may require such bonds from its officers or agents as may be deemed necessary for the faithful performance of their duties, and enforce the same.

§ 12. All laws in conflict, or inconsistent with the provisions of this charter, are hereby repealed, and this act shall be in force and effect from and after its passage.

Approved February 22, 1888.

CHAPTER 216.

AN ACT to amend an act, entitled "An act to incorporate the Deposit Bank of Eminence," approved February 13, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the Deposit Bank of Eminence," approved February 13, 1867, be so amended as to allow five additional directors and a vice-president for said bank; and the present board of directors of said bank are hereby empowered and authorized to choose said five additional directors at such time as they may deem proper. Said directors to be selected must be stockholders of said bank, to be qualified, and serve as directors until the next regular election of said bank, and until their successors are duly elected and qualified; and said five men, after being elected, shall take the oath of office as the other directors are re-

quired by law to do, and thus be vested with all the powers and authority of other directors.

§ 2. The directors may choose one of their number, or any one of the stockholders, as their vice-president, whose duty shall be to act as president of said bank in the absence of the president.

§ 3. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 217.

AN ACT to repeal an act, entitled "An act for the benefit of the Moorefield and East Union Turnpike Road Company," approved April 25th, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act for the benefit of the Moorefield and East Union Turnpike Road Company, approved April 25th, 1884, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 21, 1888.

CHAPTER 218.

AN ACT to amend an act, entitled "An act to amend and reduce into one the acts incorporating the town of Olympia, Bath county," approved March 6, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 32 of said act be, and the same is hereby, amended by adding to said section the following: "That said court shall have exclusive original jurisdiction of all violations of the town ordinances, and concurrent jurisdiction with justices of the peace in civil, criminal and penal cases."

§ 2. That section 18 of said act be, and the same is, amended by striking out of said section 18 the words "and clerk," in the first line of said section, and by inserting the word "and" just after the word "judge" in the first line of said section, and by adding to said section these words: "The clerk shall execute bond, to be approved by the council."

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 219.

AN ACT to change the boundary line between Casey and Boyle counties, for the benefit of John Hollon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Casey and Boyle be so changed as to include the dwelling of John Hollon in the county of Boyle.

§ 2. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

§ 3. This act to be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 220.

AN ACT for the benefit of D. H. Case, of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of eighty-seven (\$87) dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to D. H. Case, of Bracken county, for the purpose of

reimbursing him for expenses actually incurred while acting as the agent of the State of Kentucky to demand and receive from the authorities of Ohio one George Bingham, a fugitive from justice.

§ 2. The Auditor of Public Accounts is directed to draw his warrant for said sum on the Treasurer in favor of said Case.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 221.

AN ACT for the benefit of the Deposit Bank of Georgetown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized and instructed to refund to the Deposit Bank of Georgetown any tax which he may find has been paid by said bank over and above what may have been legally due from said bank.

§ 2. This act to take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 222.

AN ACT to incorporate the Twelve-mile and Persimmon Grove Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. J. Stevens, J. C. DeMoss, George F. Truesdell and John D. Ellis, and such others as may associate themselves with them, be, and they are hereby, made a body-corporate, under the name and

within six hundred feet of, and on the outside of the boundary of said company's fair grounds, that it now has for said fair purposes on said fair grounds.

§ 2. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 226.

AN ACT to repeal an act, entitled "An act to regulate the laying out and working of the public roads in Clinton county," approved March 24, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the laying out and working of the public roads in Clinton county," approved March 24, 1882, and the amendments thereto, be, and the same is hereby, repealed.

§ 2. That the balance of the road fund for the years 1886 and 1887 shall be applied to the payment of outstanding road claims in Clinton county by the judge of the Clinton county court, except the amount collected in the corporate limits of the town of Albany, which he shall pay to the treasurer of the board of trustees of said town. Without making a minute calculation, the remainder to be applied to the purchase of tools and appropriated to the road districts where most needed.

§ 3. This act to take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 227.

AN ACT to amend an act, entitled "An act to incorporate the Persimmon Grove and Pendleton Line Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Persimmon Grove and Pendleton Line Turnpike Company," approved April 22, 1880, be, and the same is hereby, amended by adding as incorporators thereof the following named persons, to wit: Marion Rouse, Marion Ellis, Walter Shaw, M. Biboltz, John Seiter, Joseph Bausch, Frank Chalk.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 228.

AN ACT to amend an act, entitled "An act to incorporate the Farmers' Deposit Bank of Cynthiana," approved March 26, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 8 of an act, entitled "An act to incorporate the Farmers' Deposit Bank of Cynthiana," approved March 26, 1884, be amended so as to read as follows: § 8. This act shall take effect from its passage, and remain in force for thirty years from the date of the organization of the bank, provided it be organized within ten (10) years from the twenty-sixth day of March, 1884.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 229.

AN ACT for the benefit of the Turnersville, McKinney and Coffey's Mill Turnpike Road Company.

WHEREAS, The Turnersville, McKinney and Coffey's Mill Turnpike Road, in Lincoln county, has been intersected by several roads, which renders it impossible to collect toll from a large number of travelers on said road ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Turnersville, McKinney and Coffey's Mill Turnpike Road Company be, and is hereby, authorized and empowered to erect a toll-gate on the line of its road near Turnersville, in said county.

§ 2. That this act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 230.

AN ACT to repeal an act, entitled "An act for the benefit of turnpike roads in Nicholas county," approved May 7, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of turnpike roads in Nicholas county," approved May 7, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 21, 1888.

CHAPTER 231.

AN ACT to incorporate the Twelve-mile and Alexandria Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George F. Truesdell, J. C. DeMoss, A. R. Brothers and John D. Ellis, and such others as may associate themselves with them, be, and they are hereby, made a body-corporate, under the name and style of "The Twelve-mile and Alexandria Turnpike Road Company," with, and having the same powers, privileges, franchises, authorities and immunities now held by the "Alexandria and Persimmon Grove Turnpike Company," under their charter approved January 25, 1868, and all amendatory acts thereto.

§ 2. That said company hereby incorporated shall have power to construct, maintain and operate a turnpike road, to commence at the Ohio river, just below the mouth of Twelve-mile creek, in the county of Campbell, State of Kentucky, and run thence on the most practicable route to the town of Alexandria, in said county and State.

§ 3. That said company may organize when two thousand dollars shall have been subscribed for the construction and maintenance of said road.

§ 4. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 232.

AN ACT for the benefit of J. E. Robinson, of Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. E. Robinson, wife of F. M. Robinson, of Anderson county, be, and she is hereby, empow-

ered to use, enjoy, sell and convey, for her own use and benefit, any property she may now own or acquire free from the claims or debts of her husband ; and to make contracts, sue and be sued, as a single woman ; and to trade in her own name, and to dispose of her property by deed or will ; but in all cases her property shall be liable for her debts, contracts and liabilities.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 233.

AN ACT to repeal an act, entitled "An act for the benefit of Nicholas county court," approved February 9, 1864, and an act amendatory thereto, February 9, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of Nicholas county court," approved February 9, 1864, and an act amendatory thereto, approved February 9, 1866, be it enacted that the provisions of said acts are each and all hereby repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 21, 1888.

CHAPTER 234.

AN ACT to amend "An act to incorporate the Louisville Merchants' Private Police and Detective Agency," approved March 8, 1884,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following words be inserted before the words "provided, however," in the eighth section of the act to which this is an amendment, viz: "But

opportunity shall be given to the accused to give bail, before being placed in any jail or station-house, before the nearest justice of the peace or person authorized by law to take bond."

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 235.

AN ACT to amend "An act to incorporate the Ironworks and Frankfort Turnpike Road Company, in Bourbon county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of "An act to incorporate the Ironworks and Frankfort Turnpike Road Company, in Bourbon county," approved February 16, 1884, be amended by striking out "twelve hundred dollars per mile," where it occurs therein, and inserting in lieu thereof "fifteen hundred dollars per mile."

§ 2. This act shall be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 236.

AN ACT legalizing the official acts of R. H. Silvey, as deputy clerk of the Monroe county court.

WHEREAS, R. H. Silvey was appointed by Theodorick Tooley, the then clerk of the Monroe county court, a deputy clerk for said Tooley, in and for said county; and whereas, the said Silvey was duly sworn in as such deputy at the February term, 1885, of said court, and acted as such deputy until the 6th day of August, 1886; and whereas, the said Tooley, as appears from the record books, failed to enter the order

showing said qualification of said Silvey ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all of the official acts and doings of said R. H. Silvey, as such deputy county court clerk during said time, and all acknowledgments taken by him, and all oaths administered by him during said time, shall have the same validity, force and effect as if the said order had been duly made and entered on the order books of the said county court at the time it should have been made and entered.

§ 2. That this act shall effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 237.

AN ACT to further amend an act, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," approved February 24, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Issue bonds. § 1. That Shelby county is hereby authorized and empowered to issue its bonds, not exceeding one hundred and ninety thousand dollars (\$190,000), in denominations of five hundred and one thousand dollars, as the presiding judge of the county court and the justices of the peace of said county may determine.

Bonds bear interest. § 2. Said bonds shall bear interest at the rate of not exceeding five per centum per annum, payable semi-annually, evidenced by coupons attached thereto, and the principal shall be paid in twenty years after the date of issue, with privilege reserved to said county to pay the principal and cancel the coupons after five years from date. The said bonds shall be signed by the county judge and attested by the county court clerk, with the seal of the county, and the coupons

shall be signed by the county court clerk. The county judge shall receive a reasonable compensation for signing said bonds, not exceeding fifty dollars, and the said clerk shall receive for his services for attesting said bonds and signing the coupons a sum not exceeding one hundred dollars, to be fixed by the county judge and justices of the peace of said county. There shall be no charge for the use of the county seal upon said bonds or coupons, either by the clerk or the Commonwealth of Kentucky.

§ 3. The bonds and coupons shall be payable at such place in the United States as the county judge and justices of the peace shall designate, and they shall be negotiated and sold at not less than par value, and the proceeds of said sale shall be applied exclusively to the payment and redemption of such of the bonds issued by said county, under the authority of the act to which this is an amendment and the amendments thereto, as may be outstanding and unpaid. Bonds and coupons payable.

§ 4. The payment of the principal and interest of said bonds shall be provided for by an annual levy of a tax on all of the property in said county, in all respects as required by the act to which this is an amendment, approved February 24, 1869, it being the intention of this act to enable said county to pay and redeem the said bonds heretofore issued with the bonds herein provided for.

§ 5. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 238.

AN ACT to amend the charter and articles of incorporation of the Kentucky River Mills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter and articles of incorporation of the Kentucky River Mills be, and the same are

hereby, amended as follows, to-wit: That article seven of said articles of incorporation be, and the same is hereby, repealed.

§ 2. That said corporation is hereby authorized and empowered to purchase, deal in, and sell goods, articles and merchandise, the manufacture of other corporations or persons; and may purchase its own stock and retire or reissue the same at its pleasure.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 239.

AN ACT to amend an act, entitled "An act to incorporate the Western Baptist Theological Institute," approved February 5, 1840.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the Western Baptist Theological Institute," approved February 5, 1840, is hereby amended as follows:

§ 1. That when any member or members of the board of trustees of the Western Baptist Theological Institute shall fail to attend the annual meetings of the board of trustees of said institute, for two consecutive sessions, it shall be the duty of the secretary to notify said member or members of the fact, and upon his or their failure to give good and satisfactory reasons for non-attendance, the remaining trustees of said Theological Institute shall have power to declare the seat of such member or members vacant, and fill such vacancy or vacancies by electing some suitable person to fill the vacancy.

§ 2. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 240.

AN ACT to amend an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in Washington county," approved May 8, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in section 1 of the above named act the words "on August fourth, one thousand eight hundred and eighty-four" be stricken out.

§ 2. That the whole of section 9 be stricken out and the following inserted in lieu thereof, viz: The election herein provided for shall not be held oftener than every two years.

§ 3. This act to take effect from its passage.

Approved February 21, 1888.

CHAPTER 241.

AN ACT to amend an act, entitled "An act to charter the Flemingsburg and Johnson's Junction Turnpike Road."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Flemingsburg and Johnson's Junction Turnpike Road Company shall have the power to erect a gate and gate-house, for the purpose of collecting tolls from persons using said road, at or near the junction of said road with the Elizaville and Helena Turnpike Road; and the said company may acquire not exceeding one acre of land by purchase or condemnation. The proceedings for condemnation shall be the same as provided by law when land is condemned for a public county road.

Approved February 21, 1888.

CHAPTER 242.

AN ACT to incorporate the National Surety Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incor-
porators. •

§ 1. That Russell Houston, George Gaulbert, R. S. Veech, W. B. Caldwell, J. B. Wilder, Wm. L. Bridgeford, George H. Moore, B. H. Young, Temple Bodley, J. D. Taggart, L. S. Reed, A. L. Schmidt, George Danforth, F. W. Morancy, W. N. Haldeman, P. B. Reed, J. H. Lindenberger, Lee Bloom, their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name of the "National Surety Company;" and as such shall have perpetual succession, the right to sue and be sued by said corporate name; to have a common seal and alter the same at pleasure; to render the shares or interests of stockholders transferable, and to prescribe the mode of making such transfers; to make contracts and acquire, hold and transfer property, possessing the same powers in such respects as private individuals now enjoy; and to establish by-laws, and make all rules and regulations deemed proper for the management of the affairs of said company, not inconsistent with the Constitution or laws of this State or of the United States.

Place of business.

§ 2. The chief place of business of said company shall be the city of Louisville, in this State of Kentucky; but it is authorized to conduct its business in any part of this State, and in any other State or Territory of the United States.

Board of directors.

§ 3. The business and affairs of said company shall be under the control of a board of eight directors, a majority of whom shall constitute a quorum. Four of said directors shall, by vote of the stockholders, in person or by proxy, given in writing, be elected on the second Monday in January of each year, to serve for two years, and until their successors are elected

and qualified. The incorporators aforesaid, or a majority of them, shall appoint from their number or other stockholders four directors to serve until the first regular election, and four others to serve until the second regular election herein provided. Said board shall fill vacancies in its membership. Said directors shall from their number, annually, on the third Monday of January, elect for a term of one year, and until the election and qualification of a successor, a president and vice-president, and (but not necessarily from the members of said board) a secretary and attorney, and may appoint such other officers, agents and servants as they may consider the business of the company requires, and prescribe and limit their powers, duties and compensation. Said board shall prescribe the by-laws and rules governing said company, its officers, agents and servants.

§ 4. The capital stock of said company shall not exceed five hundred thousand dollars, unless it be increased, as it may be, to not exceeding one million dollars, by a vote of the stockholders representing two-thirds of the stock issued. The capital stock shall be divided into shares of one hundred dollars each, and be issued, sold and paid for at such times and on such terms as the by-laws of said company may prescribe, and a lien thereon shall exist in favor of the company for any amount owing it therefor; and said capital stock and the accumulated funds of said company may be invested in or loaned upon such securities only as is now provided for by the existing laws of this State. The private property of the stockholders shall be exempt from liability for the debts of the company.

§ 5. Said company shall not transact any business Invest in bonds. specified in the next succeeding (sixth) section of this act until at least one hundred thousand dollars shall have been realized and paid or secured to the company from the subscription or sale of its capital stock, nor until it has invested the sum of fifty thousand

dollars in bonds of this State or of the United States or of the city of Louisville, in bonds or notes or loans secured by lien on land in this Commonwealth; and such investments to the extent of fifty thousand dollars shall be a trust fund, kept separately upon the company's books as the "investment trust," and be sacredly held and applied to secure the performance of the company's obligations as surety or guarantor provided for in the next succeeding (sixth) section of this act. Such investments may, from time to time, be changed by said company, which shall thereupon give notice of such change to the Commissioner of Insurance.

Guarantee
against unfaith-
fulness of per-
sons holding
positions.

§ 6. Said company is hereby authorized, in this State and elsewhere, to become and be accepted as the guarantor or surety against the unfaithfulness and dishonesty of persons holding positions of pecuniary trust and responsibility, whether public or private, and as surety or guarantor in the obligations and other contracts of any person or persons or corporations, including any bonds or other evidences of liability required by law to be taken or approved by any person, officer or court in this State or elsewhere, except bonds in criminal proceedings, and generally to do all things necessary and proper to execute the powers herein conferred upon said company, and be subject to the rights and liabilities of a natural person in such relations of surety or guarantor.

§ 7. All laws and parts of laws in conflict with this act are hereby repealed.

§ 8. This act shall take effect from its passage.

Approved February 21, 1888.

CHAPTER 243.

AN ACT to incorporate town of Drakesboro, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary of land in Muhlen- Boundary.
burg county, Kentucky, to-wit: Beginning at a point
on the Owensboro and Nashville Railroad, three
hundred and eighty yards north of depot, on John R.
Drake's farm; thence in a westerly direction three
hundred and eighty yards to a point one hundred
yards north-west of J. R. Drake's brick dwelling;
thence a little east of south twelve hundred yards to
a point situated south-west of J. F. Langley's frame
dwelling; and three hundred and eighty yards west
of Owensboro and Nashville Railroad; thence north
of east, and parallel to first line, seven hundred
yards; thence a little west of north, and par-
allel to second line, twelve hundred yards; thence
a little south of west three hundred and twenty
yards to the beginning, be, and the same is
hereby, incorporated as the town of Drakesboro, Incorporate town.
and said town is established by that name with cor-
porate limits aforesaid. John R. Drake, Joseph F. Names of trustees.
Langley, John L. Bishop, Fred. Charles and Perry
Hale are hereby appointed trustees for said town, who
shall hold their office until the first Saturday in July,
1888, and until their successors are elected and quali-
fied; and if, from any cause, one or more of said trus-
tees can not act, then it shall be lawful for a majority
of same to act; and they are hereby invested with all
powers and authority given to the whole. It shall be
the duty of said trustees to give notice, in writing, by
posting the same in three public places in said town
for ten days next previous to the said first Saturday
in July, 1888, at which time an election shall be held
in said town, at a place to be designated by said trus-
tees, for the election of five trustees, who shall hold Election of trustees.

their office for twelve months, and until their successors are elected and qualified; and annually, on said first Saturday in July, an election shall be held in said town, after notice given as aforesaid, for the election of five trustees for said town. All male persons over twenty-one years of age, and who have resided in said town sixty days prior to said election, shall be allowed to vote for any of the officers of said town. At each annual election the five persons voted for as trustees having the largest number of votes shall be duly elected. The person who acts as clerk for the board of trustees shall hold said election, and give a certificate of election to the persons entitled thereto, and he shall deliver the poll-books to the trustees, who shall keep the same as part of the records of the office. Each trustee shall, before he enters upon the duties of his office, take an oath to faithfully and impartially execute the duties of trustee of said town, a majority of whom shall constitute a quorum to transact business.

Clerk hold election.

Oath of office.

§ 2. The board of Trustees of Drakesboro shall be a body-corporate and politic, and shall be known and designated by the corporate name of "The Trustees of Drakesboro;" and by that name may sue and be sued, contract and be contracted with, and may have all the rights and privileges necessary to consummate the purpose of their appointment.

Sue and be sued.

Chairman of board.

Duties of chairman.

Police judge.

§ 3. The trustees of said town shall elect one of their number chairman of the board of trustees. He shall preside at all their meetings, and vote only when there is a tie vote. He shall sign all the orders and proceedings of the board after each meeting; and until the police judge herein provided for is elected and qualified, and also when there is a vacancy in the office of police judge, or when he can not properly preside, said chairman of the board of trustees shall have and exercise all the powers and duties of a judicial officer conferred by this act on the police judge; and all the decisions of said chairman shall be bind-

ing, and have the same effect as if rendered by the police judge.

§ 4. Said trustees shall appoint a clerk of the board of trustees, who may be one of said board, who shall be sworn before he enters upon the discharge of his duties, and receive for his services such compensation as the board may allow. He shall be keeper of the records and papers of the board of trustees, and subject to removal at any time by the board.

§ 5. Said trustees are empowered to pass such by-laws and ordinances as may be necessary, in their judgment, for the good government and well being of said town, and not in conflict with the laws of the United States and State of Kentucky; and to fill all vacancies that may occur in their own number until the next succeeding general election; to levy a poll tax upon each male citizen of said town, who has resided therein for sixty days, of any sum not exceeding one dollar, and an ad valorem tax upon each one hundred dollars' worth of property within said town, whether belonging to persons or corporations, and which is subject to taxation for State purposes, annually, any sum not exceeding fifty cents, to be applied by the board for municipal purposes; and all fines and forfeitures for the violation of the laws and ordinances of said town, and all moneys paid in for license granted under this charter, shall be collected and paid over to the treasurer of said town, to be used by the board of trustees for the benefit of said town. Said trustees shall each year appoint an assessor, between the first of March and first of May, to assess and list the taxable property and titles of said town, whose duty it shall be to make out a full list thereof and return the same to the trustees, and they shall have the same filed as a part of the records of the town. The assessor shall have power to swear each person assessed; and if any party is aggrieved by the assessment, either as to the valuation of his property or otherwise, such person may, at any time after such

Trustees pass
by-laws.

Money paid in
for license.

Power of assess-
or.

Clerk of board
compensation for
certified copies.

assessment, and before first day of August following, apply to said board of trustees for correction, who shall hear proof that may be offered, and decide accordingly. There shall be a full and complete record kept by the board of trustees of all their acts, and the same shall be open and subject to the inspection of any citizen of said town under all reasonable requests; and the clerk of the board shall deliver to any one demanding the same a certified copy of any order or paper of record in his office; and he is allowed to charge for such service the same fees as were allowed by law to county clerks for like service.

Poll and ad valorem tax.

§ 6. After the first day of June, of each year, said trustees shall fix the rate of poll and ad valorem tax to be collected for that year, and have the sum recorded. The clerk shall then make out a list of taxes against each person, and the amount of property listed, and shall deliver it to the marshal or collector of tax for said town, and take his receipt therefor, and file it with the records of said board. It shall be the duty of said marshal or tax collector to collect the same, and he is hereby vested with full power and authority to do so by levy and distraint, and to the same extent that sheriffs have and are vested with to collect the State revenue, and pay it over to the treasurer of said board on or before the first day of November next thereafter; and for failing to do so, said treasurer may, in the name of the trustees of said town, institute a motion against said marshal and his securities, in the Muhlenberg circuit court, Muhlenberg quarterly court, justices' court, or police court of said town, or any court having jurisdiction of the amount claimed, and may recover the amount due and ten per cent. damages thereon and costs of suit, and may collect the same by execution without the right of réplevy: *Provided, however, That no judgment shall be rendered against said marshal or collector, or his sureties, without a written notice of at least ten days before the day of trial: And provided*

Marshal.

further, That if said marshal or collector shall, between the first day of November and the first of December, make out and swear to a list of said taxes uncollected, and that he has made diligent search for the property of the delinquent and failed to find any, and that he applied to said delinquent, if in town, and demanded payment, and if he does not know of any property out of which to make the taxes, he shall be relieved from liability to that extent on his receipt. The clerk of said board may, from time to time, relist and hand over to the marshal or collector the delinquent list, and they and their sureties shall be held responsible for the amount collected.

§ 7. The board of trustees shall appoint a treasurer Board appoint treasurer. of their board, who shall execute a bond, with good security, to be approved by the board, conditioned that the treasurer shall faithfully perform all his duties as such, and pay over all the money that shall come to his hands as treasurer, as the board of trustees shall order and direct; and for a violation of said bond the board of trustees, or any injured thereby, may have and maintain an action against said treasurer and his sureties, in any court having jurisdiction of the amount claimed.

§ 8. The board of trustees may, until the election in Appoint marshal July, 1888, appoint a marshal for said town, whose appointment shall be entered of record, and upon a certified copy thereof being produced to the clerk of the Muhlenberg county court, he shall, at a regular or special term of said court, administer to said marshal Administer oath to marshal. the same oaths taken by constables, and that he will faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond, with good security, in said court, as constables are required to do, with the further covenant that he will perform all the duties of marshal of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed in the clerk's office. The marshal shall pay the clerk a fee

of one dollar for his trouble. The marshal and securities on his bond shall be liable thereon to the trustees of said town, and to any and all persons, as constables are liable on their bonds, and the like penalties and actions may be had thereon. The marshal first appointed by the board shall hold his office until his successor is elected and qualified.

§ 9. The first election for marshal of said town shall take place on the first Saturday in July, 1888, and at the same time and place and in the same manner as directed in the election of trustees for said town, and annually thereafter on the same day of the month, and his time of office shall be one year, and until his successor is elected and qualified. The person voted for at such election for marshal, and receiving the highest number of votes cast, shall receive from the clerk a certificate of his election, and execute bond and qualify in the same manner as herein directed when the board appoints, before entering upon the discharge of his duties; and the marshal of said town shall have the same powers, authorities and jurisdiction that is given to constables, and shall be under the same responsibility and liabilities for his acts.

§ 10. The marshal shall have and receive for his services the same fees and commissions allowed by law to constables for like service, and for collecting taxes and performing service for said town such commission and fees as may be agreed upon by him and the board of trustees. It shall be the special duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and to receive and execute all process in penal cases issued by the police judge of said town, or by or at the instance of the chairman or board of trustees, and to return the same, and to arrest all drunkards and disorderly persons in said town, and to take them before the proper officer for trial.

§ 11. Whenever there is a vacancy in the office of marshal, the same may be filled by appointment of the board of trustees until the succeeding general election, and said appointee shall execute bond and qualify and be responsible for his acts, in the same manner and to the same extent as herein required for the first appointment.

§ 12. The board of trustees for said town shall have regular meetings for the transaction of business at least once a month, the time to be fixed by their records, and may have called meetings when their business requires it; and may, in case of a vacancy in the office of marshal, appoint a tax collector, and take from him bond, with good security, for the discharge of his duties; and may, at any time when they deem it expedient or necessary for the public good, appoint any necessary number of policemen to assist in suppressing riots and disorderly conduct and in keeping the peace, and pay each policeman such sum as may be agreed upon for their services. All officers of said town shall be residents thereof, and at least twenty-one years of age.

§ 13. The board of trustees of said town shall, if practicable, on or before the first day of January, 1889, have a well defined plot of the boundary of said town, streets and alleys made out, and retain one copy for the inspection of the citizens of said town, and have a copy of same recorded in the Muhlenberg county court clerk's office.

§ 14. Said trustees are hereby invested with full power and authority to open up streets and alleys, the streets to be not less than forty feet wide and alleys twenty feet wide, over and through any lands within the boundary of said town, as public convenience may demand, and to diminish or discontinue the same as, in their wisdom, may best subserve the public good. If the owners of land through which it is desired to run streets or alleys object to the same, and a trade or compromise cannot be effected,

then said board of trustees may, by applying to the Muhlenberg county court, and furnishing to said court a description of the land wanted and the manners of the owners, obtain from said court a writ of *ad quod damnum*, directed to the sheriff of Muhlenberg county, to summon a jury to decide as to the value of the land after the manner provided for in the Statutes of Kentucky. After the verdict of the jury is returned to the court, either party may take an appeal to the Muhlenberg circuit court, where the case may be tried anew. If no appeal be taken, the verdict of the jury shall stand, and by paying or offering to pay the damages fixed by the jury, if any, the board of trustees may then proceed as if no objection had been made. The party succeeding in the suit shall have judgment against the unsuccessful party for his costs.

Elect police
judge.

Governor issue
commission to
police judge.

Jurisdiction of
judge.

§ 15. On the said first Saturday in July, 1883, at the same time and place that the trustees and marshal are to be elected, there shall be elected by the same voters of said town a police judge, who shall hold his office for two years and until his successor is commissioned and qualified; and on the first Saturday in July, every second year thereafter, the voters of said town shall elect a police judge. The clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon the presentation of the same to the Governor of Kentucky, he shall issue a commission to said officer. He shall, by virtue of his office, be a conservator of the peace, and shall, before he enters upon the discharge of his duties, be commissioned and sworn to faithfully and impartially execute all the duties of police judge of said town, and also such other oaths as are administered to justices of the peace. He shall have the same powers, authority, and jurisdiction in civil, penal, and criminal cases as is now conferred by law on justices of the peace; and in addition, except when there is a vacancy in his office, he shall have exclusive jurisdiction within the limits of said town of all the infrac-

tions of the by-laws and ordinances of said town, and of riots, affrays, and breaches of the peace committed within the limits thereof; and he shall have power to administer oaths, render judgments, issue executions, and collect fees the same as now belongs to justices. He shall also have power to fine for contempt any sum not exceeding five dollars, and to imprison not exceeding ten hours. He shall have all necessary power for issuing original and compulsory process against parties and witnesses, and he may order a jury to try any civil case before him at the request of the parties when the amount in controversy is over ten dollars. He shall order the arrest of any drunken or disorderly person within the limits of said town, and upon such persons being brought before him, he may order him to be confined until he is sober; and he may require a disorderly person to give security to be of good behavior for any period not exceeding one year; the bond shall be to the Commonwealth of Kentucky in any reasonable sum not exceeding one thousand dollars, and his court shall be a court of record. When peace bond is violated, the trustees of said town may institute proceedings for the breach thereof before any court having jurisdiction of the amount in their corporate capacity; and the fine, if any assessed, shall be paid over to the treasurer of said town for the benefit of the town. A vacancy in the office of police judge shall be filled by the trustees of said town until the succeeding annual election for trustees, when the voters of said town shall elect a police judge to fill out the unexpired term, whose qualification shall be the same as that required for the first officer herein for said office. The succeeding police judge, as soon as elected, commissioned, and sworn in, shall be entitled to all the books and records of his predecessor. No appeal in civil, penal, or criminal cases, where the amount in controversy does not exceed ten dollars besides interest and costs, shall be taken from the decision of said judge. The

Judge power to
order jury, etc.

Fill unexpired
term of police
judge.

Fees of judge. fees of said judge shall be as follows, to wit: For warrant for riot, affray, or breach of the peace, fifty cents; for a warrant for a breach of any of the by-laws or ordinances of said town, fifty cents; for swearing a jury and presiding at the trial in a penal case, or for trying same without a jury, one dollar; for taking recognizance, fifty cents; entering judgment, twenty-five cents; each subpoena, twenty five cents; and for all other fees, same as now allowed justices. He shall hold his courts quarterly for the trial of all civil cases pending before him on the first Mondays in March, June, September, and December, and may continue each term from day to day until completed; and he may try all penal and criminal causes as soon as brought before him, giving parties a reasonable time to prepare for trial.

Owners of lots, grade pavements. § 16. The board of trustees shall have power and authority to compel the owners of lots and parts of lots in said town to pave in front of same; the grade, width and kind of pavement, whether of stone, gravel, brick or wood, and the curbing to be designated by said trustees, after reasonable notice, attested by the clerk of said board, posted in one or more public places in said town; and upon a failure of the owners to pave the same as said board shall order, said board is hereby empowered and authorized to have said work done at the expense of the owners, and shall have a lien upon the lots in front of which said improvements are made for the costs thereof, which lien may be enforced by suit in the Muhlenberg circuit court in the name of said trustees in their corporate capacity.

Curbing of streets and sidewalk.

Trustees own real or personal property. § 17. Said trustees shall have power and authority to own, possess and control, for the use, benefit and ornament of said town, any real or personal estate that they may acquire by purchase, donation or otherwise, and may sell and convey the same, a majority of the board consenting thereto on the record; they

may also obtain a corporate seal, and change the same at pleasure.

§ 18. For the non-payment of taxes due to said town upon any real estate, the marshal is hereby vested with power and authority to sell such real estate for the amount of taxes and cost of sale, at the court-house door in the town of Greenville, Kentucky, for cash, at such time and after such notice as is required of sheriffs in sales of real estate; and when sold and not redeemed within two years from the date of sale by paying over the price bid and ten per cent. per annum thereon, said marshal or his successor in office shall convey the same by deed to the purchaser or his assigns.

Marshal sell real and personal property.

§ 19. For all taxes levied as herein authorized the town of Drakesboro shall have a lien upon the property assessed, relating back to the time when the assessment should commence; but the purchasers of property owing taxes shall be liable only upon the property purchased.

Taxes levied.

§ 20. All money obtained for license, fines and forfeitures authorized by this charter, and for fines and forfeitures imposed by the by-laws and ordinances of said town, shall be paid into the town treasury for the benefit of said town.

Trustees pass suitable ordinances.

§ 21. The trustees of said town may pass suitable ordinances or by-laws, with penalties annexed, to suppress gambling houses, riots, routs and breaches of the peace, disorderly or indecent conduct or obscene language, disturbing religious worship, schools, public speaking or lectures, or injury to any property, public or private, within the limits of said town.

Trial of persons for breach of peace.

§ 22. In the trial of any person by the police judge or chairman of the board of trustees for breach of the peace, riot, rout or affrays, a jury of six men may be empaneled at the instance of the defendant, and the punishment for such offenses shall be the same as prescribed in the General Statutes; and in all such cases, and where persons are fined for a violation of

the by-laws and ordinances of said town, and the fine be not paid or replevied, the party shall be committed to prison in the guard-house, to remain in confinement until the fine and all costs shall be discharged; and his imprisonment shall be at the rate of two dollars per day until the fine and costs be satisfied. Said board of trustees shall have the authority and power to erect a lock-up or guard-house within the limits of said town, and they may make regulations for the government thereof, and for the discipline of all the prisoners confined therein, and may acquire by purchase or donation, or may condemn the necessary real estate on which to erect said house; and after the erection of said house, it shall be lawful for the police court of said town to commit and confine therein any and all persons convicted of violating the law under this charter.

§ 23. This act shall take effect and be in force from and after its passage.

Approved February 21, 1888.

CHAPTER 244.

AN ACT for the benefit of W. L. Brown, of Laurel county.

WHEREAS, Samuel DeHaven, judge of the Seventeenth Judicial District of Kentucky, was commissioned by Hon. J. Proctor Knott, Governor of Commonwealth of Kentucky, to hold a special term of the Leslie circuit court, for the trial of Hannah Browning, on the charge of murder, in July, 1886; and whereas, H. C. Eversole, regular Commonwealth's attorney for the district, could not attend and prosecute said cause, and no attorney being there who was eligible to represent the Commonwealth in the prosecution of said Browning, W. L. Brown, of London, Kentucky, was secured by Judge DeHaven to go with him and attend the special term of Leslie circuit court,

and prosecute as special Commonwealth attorney ; and leaving his business, and being from home on said business some eight days in the prosecution of said cause ; and being allowed for said service, by order of the Leslie circuit court, the sum of seventy-five dollars ; and on the presentation of said order to the Auditor of Kentucky for payment, he refused to pay only twenty-eight dollars—not sufficient to pay said Brown's expenses, including horse hire :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and is hereby, directed to draw his warrant upon the Treasury of the Commonwealth of Kentucky, in favor of W. L. Brown, for the sum of forty-seven dollars, payable out of any funds in the Treasury not otherwise appropriated, said sum being the balance of the allowance made by Judge DeHaven to said Brown for his services as Commonwealth's attorney *pro tem.* for Leslie circuit court, in the prosecution of Hannah Browning on the charge of murder.

§ 2. This act takes effect from its passage.

Approved February 23, 1888.

CHAPTER 245.

AN ACT to incorporate the Limestone Insurance Company, of Maysville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John T. Fleming, Omar Dodson, F. S. Owens, James Shackelford, W. H. Wadsworth, J. Jas. Wood, Jno. M. Frazee, M. C. Russell, H. C. Barkley, Thomas Wells, Chas. H. White, Robert Lovel, Jos. H. Dodson, Jno. C. Pearce, John H. Hall, W. B. Mathews, J. F. Barbour, H. H. Collins, S. S. Riley, David Hechiseger, John N. Thomas, Geo. H. Incorporators.

Corporate name
Powers.

Heiser, A. M. J. Cochran, Horatio Ficklin, W. W. Ball, J. L. Browning, Chas. S. Miner, Wm. H. Cox, Frederick Otto, Jacob Jeorger, Louis Boser, John O'Donnell, Newton Cooper, Garrett S. Wall, James H. Bains, W. W. Baldwin, Jno. W. Power, A. P. Gooding, Jno. T. Wilson, S. H. Mitchell, Walter Mathews, Joel Lathan, J. D. Reed, B. F. Clift, Jas. N. Kirk, J. D. Cushman, Jas. E. Claybrooke, Jas. C. Owens, Evan Loyd, Dan'l Penine, Jno. J. Penine, J. C. Grove, Jno. B. Terhune, Jno. E. Boulden, Dr. J. A. Reed, Jno. W. Osborne, Jno. J. Thompson, Thos. J. Winter, L. H. Manseen, Jno. B. Holton, H. W. Wood, Jas. B. Key, James Davis, Jos. M. Alexander, J. H. Bice, Abner Hord, David S. White, L. G. Auxier, B. M. Marshall, Geo. W. Dye, H. D. Watson, Dr. J. W. Gault, together with their associates and successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of the "Limestone Insurance Company," of Maysville, Kentucky, with perpetual succession; and by that name are made capable in law to acquire, possess, use, hold, enjoy, sell and dispose of, in any legal manner, real and personal property, and notes, bonds, bills and public and private securities of any and all kinds whatsoever; to invest its capital and the funds accumulated in the course of its business, or any part thereof, in notes, bonds, bills, stocks and other securities; and in mortgages, deeds of trust, or in real estate situate in Kentucky; to loan its capital and its accumulated funds out on such securities as its board of directors may determine: *Provided, however,* That all such investments or loans by said company of its capital stock shall be made in accordance with the provisions of the existing laws of this Commonwealth governing the investments or loans of fire and marine insurance companies; to contract and be contracted with, to sue and be sued, implead and be impleaded, and defend in any court; to make and use a common seal, and the same to break, alter or renew at pleas-

ure; to make, establish and execute by its said board of directors such by-laws as may be deemed necessary or convenient for the government of the corporation, and not contrary to this charter.

§ 2. It is hereby empowered to insure, against loss Objects of corporation. by fire, houses, buildings, goods, wares, merchandise, and all other kinds of property in or out of this State, and to negotiate insurance on property in or with other insurance companies, either in behalf of such companies or of those seeking to be insured, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and effect in its behalf insurance in other companies upon its property, or any interest it may have in property of every description, and generally to do and perform all other things and acts proper to promote any and all these things, or any business authorized by this charter.

§ 3. All bonds, bills, notes or other paper made payable to the said company or at its office shall, in its hands or the hands of any person deriving title from it, be placed on the footing of a bill of exchange, and entitled to the immunities thereof.

§ 4. The capital stock of said company shall be one Capital stock. hundred thousand dollars, but it may, by two-thirds of the votes of its stockholders, increase said capital stock to any amount not exceeding five hundred thousand dollars. Said capital stock shall be divided into Shares. shares of one hundred dollars each, and shall be paid in such calls as the directors may order, and at the time and place fixed in such calls; but the company shall not make any insurance until one hundred thousand dollars of the capital is paid up. The capital stock may be taken and subscribed for at such Capital stock, how taken, etc. time and place as the said incorporators, or any five of them, may appoint, and under their supervision, after first giving notice of the opening of the books for two weeks in a daily newspaper published in the city of Maysville, Kentucky: *Provided, however, whenever*

fifty thousand dollars of the capital stock shall be taken and subscribed for, the said company may be organized by the subscribers, and whenever the same shall be fully paid up, may proceed to do business, and insure property in the counties of Mason, Fleming, Lewis, Nicholas and Robertson, but not elsewhere, until the entire capital of one hundred thousand dollars shall be taken and paid up.

Directors.

Quorum.

Officers.

General agent.

Directors be
stockholders.

Election of
officers.

§ 5. The management and control of the corporation shall be vested in a board of eleven directors, the majority of whom shall constitute a quorum. Said directors shall have power to elect a president, secretary and treasurer, and appoint such other officers or agents as may be deemed necessary; to fill vacancies in the board of directors, or other offices of the corporation; to remove any officer not of the board, at pleasure, and generally to manage and control the business of the corporation. The said directors may appoint out of their board, or of the stockholders, a general agent, to transact any and all business of the corporation when the board is not in session, but he shall report his actings and doings to the board, or enter same on the books of the corporation without delay, and may be removed by the board at any time. The directors shall be stockholders, selected by the stockholders, except when vacancies occur. Each share of stock shall entitle the holder to one vote at all elections, and in all business transacted by the stockholders. The secretary and treasurer shall be stockholders, and one person may fill both offices; but the treasurer shall give bond to be approved by the directors.

§ 6. The first election for officers under this charter may be held at such time and place as the stockholders shall appoint, and annually thereafter, on the first Monday of January, at the company's office. The officers shall hold until their successors are elected and qualified, unless any of them shall be removed, die, or resign.

§ 7. The chief place of business shall be in the city of Maysville, Kentucky. Chief place of business.

§ 8. Private property of the stockholders shall be exempt from corporate debts. Private property exempt from corporate debts.

§ 9. The certificates of stock shall be transferable only on the books of the company by the stockholders in person or by his proxy, but the company shall have a first lien on all stock for all amounts due thereon, and for all debts to the company, and shall not be required to transfer the stock till such liens are discharged. If any calls upon the stock shall remain due and unpaid for sixty days, the board of directors may declare the same forfeited; may sell same to pay all dues thereon, and may recover any balance remaining unpaid by suit. Certificate of stock, how transferred. Unpaid calls forfeited.

§ 10. On the first Monday in January and July, in each year, a statement of the affairs of the company shall be laid before the stockholders, and dividends out of the profits declared at such times as the board of directors may order. Semi-annual statement of affairs

§ 11. This act shall take effect from its passage.

Approved February 23, 1888.

CHAPTER 246.

AN ACT to amend an act, approved April 15, 1884, entitled "An act to amend an act to incorporate the Louisville, Cincinnati and Virginia Railway Company," approved April 24, 1882.

WHEREAS, Doubts have been expressed as to the purposes for which subscriptions may be made to the capital stock of the Louisville, Cincinnati and Virginia Railway Company by any county, city or town, under and pursuant to section three (3) of an act approved April 15, 1884, entitled "An act to amend an act to incorporate the Louisville, Cincinnati and Virginia Railway Company," approved April 24, 1882; now, in order to settle the questions

raised with reference to the proper construction of said section, and to avoid litigation,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the subscriptions made by any county, city or town that has not heretofore subscribed to the capital stock of said company may be used for such purposes as are incident to the construction, equipment or conduct of a railroad authorized to be built by the act incorporating said company, or any amendment thereto, and shall be on an equal footing with all other subscriptions to said capital stock ; and may be for such sum or sums as shall be approved by a majority of those voting at an election called and held as provided in said section 3.

§ 2. Any county, city or town that has heretofore subscribed to said capital stock may make a new subscription thereto, to be used under the provisions and powers of the first section of this act, and pursuant to said section three (3), but not to exceed the sum named as a maximum in the subscription heretofore made, to wit: One hundred thousand dollars in Clark, fifty thousand dollars in Estill, and fifty thousand dollars in Lee, when approved by a majority of the votes cast at an election to be called and held as provided in said section 3, and payable in the event and on the terms (except as to the time of completion of same) named in the subscription heretofore made as aforesaid. In the event that a proposition for a new subscription to said capital stock is so approved by the voters in any county that has heretofore subscribed as aforesaid, then the subscription heretofore made by such county shall be null and void, and of no further force and effect: *Provided*, That no part of any subscription made by any county under this act shall be payable until the railroad to be constructed by said company shall be completed from Winchester, in Clark county, to the

town of Irvine, Estill county, and trains of cars are running thereon, and that no subscription can be made to the capital stock of said company except in counties, cities or towns through which its railroad may be permitted, by the terms of its charter, to run, and by no county, city or town lying west of Winchester, Clark county, including the city of Louisville and Jefferson county: *And provided further*, That no subscription made by Lee county, under and pursuant to this amendment, shall be payable until said railroad reaches a point within half a mile of the corporate limits of the town of Beattyville or Proctor, in said county, and has cars running thereon: *And provided further*, That the powers granted in this act shall cease and be of no further effect unless work shall begin in good faith on said railroad within one year, and be completed from Winchester to said point, with trains of cars running thereon, within three years from the date of the passage of this act.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall be in force from and after its passage.

Approved February 23, 1888.

CHAPTER 247.

AN ACT to repeal an act to regulate the management of turnpike roads in Robertson and Nicholas counties, approved March 10, 1886, and an act amendatory thereto, approved April 19, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the management of turnpike roads in Robertson and Nicholas counties," approved March 10, 1886, and an act amendatory thereto, approved April 19, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 23, 1888.

CHAPTER 248.

AN ACT to repeal an act, entitled "An act for the benefit of the Forest Retreat and Panther Creek Turnpike Road Company, in Nicholas county," approved April 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the Forest Retreat and Panther Creek Turnpike Road Company, in Nicholas county," approved April 15, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 28, 1888.

CHAPTER 249.

AN ACT to incorporate the Cartwright's Creek, Bear Wallow, and Manton Turnpike Road Company, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, formed and created a body-corporate and politic, under the name and style of the Cartwright's Creek, Bear Wallow and Manton Turnpike Road Company, for the purpose of constructing a turnpike road, to begin at a point on the Cartwright's Creek Turnpike Road, at or near to the Grundy Depot grounds on the Bardstown Branch Extension of the Louisville and Nashville Railroad; thence running and crossing to the south side of Cartwright's creek at the nearest and best crossing; thence continuing up said creek to the Springfield and Bardstown Turnpike Road to a point at or near where L. F. Clement's road intersects the same; thence with said pike, in the direction of Springfield, for a short distance, to a small branch north of the bridge across said creek; thence run-

ning in a westerly direction, leaving the county poor-house to the left and George Edelen's to the right, and running on or near a dividing line, and intersecting the county road from Bear Wallow to Fredricktown, near Joseph McIntyre's gate; thence running with the county road to Bear Wallow; and thence with the county road to Manton, in Washington county, as a terminus; to have perpetual succession; and by the aforesaid name and style may sue and be sued, contract and be contracted with, plead and be impleaded, in any of the courts of this Commonwealth.

§ 2. Said road shall be under the management and control of seven directors, one of whom shall be chosen president by said directors, and another shall be in like manner chosen secretary and treasurer of said company.

§ 3. The capital stock of said company shall be twenty thousand dollars, or such sums as may be necessary to build said road, to be divided in shares of twenty-five dollars each; and each stockholder shall be entitled to one vote for each share owned by him or her.

§ 4. The road shall be built with a grade not less than eighteen feet wide, with an elevation of not less than twelve inches in the center; with a ditch on each outside of the grade of sufficient width to drain the road. The metal part shall not be less than fourteen feet wide and ten inches deep, of sound, hard metal, the bottom to be of sound, hard rock, well sledged, of five inches in depth, with a top dressing of five inches of sound rock, broke so as to pass through a two and a half inch ring, or six inches of clean, good gravel.

§ 5. The board of directors shall locate the road and may determine the elevations.

§ 6. Whenever the said road shall have been graded and metaled from the beginning point herein named to its intersection with the said Springfield and Bardstown Turnpike Road, the company may erect a toll-

gate, and collect from persons using and traveling said road the tolls, not to exceed a half toll of a full gate for one way, nor more than one full toll for a round trip; and for every mile finished thereafter and traveled over, may collect tolls as provided by the General Statutes of Kentucky.

§ 7. The right to condemn land for road, and rock for building and keeping same in repair, and for toll-gate lot or lots, not exceeding two acres for each, shall be governed by the provisions of chapter 110 of the General Statutes of the State of Kentucky.

§ 8. L. F. Clements, J. H. Walker, R. W. Clements, J. M. Ensor, J. A. Hendren, T. F. McIntyre, G. R. Clements, I. Corbet, George Edelen and Joseph A. Long are appointed commissioners to open books for the subscription of stock in said road, at such times and places as any three or more of them may determine; and when a bona fide subscription to said road shall have been in their opinion received sufficient to build one or more miles of said road, the commissioners, or a majority of those acting, may give written notice to the stockholders to meet at a time, place and purpose stated in the notice, and elect directors as provided in section 3 of this charter, when the said directors shall elect the officers named in said section; when the said officers and directors shall be, by some officer authorized to administer an oath, be sworn to faithfully perform their duties.

§ 9. Said board of directors, or a committee of their own members appointed for that purpose, may continue to receive subscriptions of stock in said road until a sufficient amount is subscribed to pay for building said road. They may also receive conveyances to said company of right of way for said road or metal with which to build same.

§ 10. That after the qualification of the president and directors, they shall commence at the beginning point named in the first section of this act, and proceed by following the route named, as near as practi-

cable, to locate and survey in part or all of said road at the expense of the company, a majority of the board concurring.

§ 11. The stockholders shall pay their subscriptions in calls of such amounts, and at such times as the board of directors may, by resolution, direct.

§ 12. If any stockholder shall fail to pay the stock subscribed by him or her, or any part thereof, may, by a vote of a majority of the directors, be excluded from the right of voting his or her shares of stock, and said company may sue for the same in any court of this Commonwealth having jurisdiction thereof.

§ 13. Said board of directors may pass by-laws regulating their meetings, and all business pertaining to the building or management of the affairs of said road; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place for the election of president and directors, after the first election, shall be fixed by the president and directors for the time being. No person shall be eligible to the office of president or director without being a stockholder, and shall vacate his office on ceasing to be one. The president and directors, for the time being, may supply any vacancy occurring in their own body from any cause, and a majority of the directors shall be competent to transact all business.

§ 14. The county court of Washington county, a majority of the justices and county judge being present and concurring therein, may, for and in behalf of Washington county, subscribe for stock in said road in any sum not exceeding one thousand dollars per mile, upon such terms and conditions that it may determine.

§ 15. That the president and directors of the Cartwright's Creek, Bear Wallow and Manton Turnpike Company shall be vested with all the power, authority, immunities, privileges and advantages, in all and every respect, that are now vested in the Cartwright's

Creek Turnpike Road Company, as if introduced and repeated herein, except so far as they are altered and modified by this act.

§ 16. This act shall take effect and be in force from and after its passage.

Approved February 23, 1888.

CHAPTER 250.

AN ACT to incorporate the Master Barbers' Protective and Benevolent Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incor-
porators.

§ 1. That August Schnell, A. J. Steltenkamp, George Zulauf, Ben Lagneau, Gutkese and Ries, Peter Kalbfleisch, John Kisler, Paul Gambert, Joseph Rueff, H. J. Frank, H. I. Reager, J. Hild, Grumme and Chreste, A. D. Black, Jacob M. Beeler, Frank Schickling, Wm. Stitzel, J. C. Dickson, Jacob Dauenhauer, Wm. Pfeiffer, Philip T. White, Godfrey Eberlein, Adam Huber, F. Hoffmann, J. W. Murray & Son, Joseph Mengel, Togel and Schwarzwaldler, John Baisch, Jacob Holocher, John Jacob, Wm. Holocher, George Best, Geo. Moritz, Phil. Ambs and Bro., Henry Rehm, Jr., Frank W. Beck, Gus. Wehrley, Jacob Bollinger, J. C. Haffler, Joseph Wiedemer, G. A. Lippold, B. E. Lorenz, D. Steward, C. Woodward, John Schmidt, Joseph B. Stuessy, George Prell, John Satarius, W. H. Clark, John Schmelzer, F. E. Riggs, Theodor Otto, Len. Fensterer, G. Hoffmann, A. Willson, George Rickert, Adam Young, John G. Sieber, C. Kessler, John W. Bierney, Bohn Heller, Jacob Conrad, Christ Mueller, M. J. Schmitt, H. P. Conrad, S. J. Schreck, G. W. Smitt, A. J. Schreck, Wm. W. Rueff, Jos. Hahn, John Zapp, John Reuther, Willie Husser, R. S. Taylor, John M. Geissler, R. Broyles, Geo. Oeswein, Christ Mueller, John Wilson, S. Schuhman, Peter Dauenhauer, Chas. Dautrich, A. S. Suarez, E.

V. Falkenstein, H. E. Temple, Henry Snyder, G. A. Lauz, C. M. Hillerich, Edward Winkels, Frank Herold, Phil. Rissberger, T. J. O'Byrne, A. Hillerich, Frank Link, Phillip Either, J. C. Elble, George Baisch, Chas. F. Dierkes, F. C. Muschler, Henry Hillerich, Wm. L. Payton, Henry Schwartz, Ploetner Bros., D. P. Dye, Jacob Burgraff, F. Barthel, Joe Fischer, A. J. Johnson, Phil. Ecker, T. J. Johnson, Henry Kupper, N. B. Roger, W. H. Kessler, Leopold Herbold, Charles Birkel, D. Schnetter, Wm. Ottermann, August Holzknecht, E. Reichart, Otto Winstel, Vogel & Jacob, L. Thompson, and their associates and successors, are hereby created a body-corporate and incorporated, under the name of "The Master Barber's Protective and Benevolent Association," of Louisville, Kentucky, and said corporation is empowered to make contracts, sue and be sued, as a body-corporate. ' Name of incorporation.

§ 2. The object of said association shall be the mutual protection and benefit of its members, and the creation and collection of a fund for distribution among the members or their beneficiaries in case of sickness or death of such members. Object of incorporation.

§ 3. Said association shall have the power to elect or appoint such officers, and at such times and places, and for such terms, as may be fixed by the constitution, by-laws or rules of the association, and to regulate the character and amount of the bonds and security thereof of any or all of such officers. Elect officers.

§ 4. Said association shall have the power to fix and define the qualifications of its members, and the manner of their election or admission to the association or withdrawal from the same. Qualifications of members.

§ 5. Said association shall have the power to regulate by constitution, by-laws or rules, the methods of conducting the business of the association and the collection and disbursement of its funds. By-laws.

§ 6. Said association shall have the power to regulate, by appropriate rules or by-laws, the manner in Regulations.

which the business of its members and the hours and times of opening and closing of their places of business or shops shall be conducted, reference being here had to the profession or trade of a barber only.

Scale of prices. § 7. Said association shall have the power to regulate and fix the scale of prices to be charged by its members for services rendered by them in practice of the profession or trade of a barber, and to make the same uniform.

Assess, levy and collect fees. § 8. Said association shall have the power to assess, levy and collect from its members fees, dues, assessments, or contributions for admission, sick or death benefits, or other purposes, and to regulate the distribution of the same.

Denounce fines and penalties. § 9. Said association shall have the power to affix, assess or denounce fines or penalties, by proper rules or by-laws against members, for violations of the constitution, by-laws rules or regulations of the association; and the payment of same may be enforced by action at law against any member so offending in any court of competent jurisdiction in this Commonwealth, and said association may recover judgment against such member, and have execution of same.

Place of meetings. § 10. Said association shall have the power to regulate the times and places of its meetings, and to declare what shall constitute a quorum for the transaction of business.

§ 11. This act shall take effect from and after its passage.

Approved February 23, 1888.

CHAPTER 251.

AN ACT to incorporate the Bank of Trenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporated. § 1. That there is hereby established a bank of deposit in the town of Trenton, in Todd county, Ken-

tucky, with a capital of fifty thousand dollars, in Capital stock. shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Trenton, and shall so continue for fifty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direc- Directors. tion of five directors, who shall be stockholders and residents of this State; and after the first election they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws; and other meetings may be had whenever deemed necessary. In case of the death, resignation Death, or resignation of any director. or removal of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock Receive subscription. shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

§ 3. S. E. Stiger, J. Y. Cabanise, J. D. Rutherford, Stock personal property. W. B. L. Cooke and John T. Rabbeth are hereby ap-

Appoint commissioners.

Payment of shares.

Commence business.

Object of incorporation.

pointed commissioners, any three of whom may open books and receive subscriptions for the capital stock ; and when two hundred and fifty shares have been subscribed, it shall be their duty to give public notice, by written or printed notices posted at four public places in the town of Trenton, or in a newspaper published in said county, and appoint a day and place for the election of a board of directors, who shall hold their offices until the ensuing annual election ; and at said election, and at all elections of directors, each stockholder shall have one vote for each share of stock he or she may own or hold in said bank, and the vote may be cast by the stockholder in person or by the person named in a proxy, specifying the purpose for which it is given, and duly signed by the stockholder. The payment of the shares subscribed shall be as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after fifteen thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue ; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, suit may be instituted by said bank to coerce the payment of the same, and they shall have a lien on the part paid for the unpaid balance of stock. Said corporation may commence business as soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

§ 4. Said bank may receive deposits of gold, silver, bank notes and other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract ; may deal in the loaning of money, exchange, promis-

sory notes, stocks, bonds and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking office, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 5. The corporation may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but when it purchases real estate on satisfaction of any judgment or decree, or payment of any debt due to it, it shall hold the same not longer than five years, and may buy its own stock in payment of debt, judgment or decree, but shall sell the same as soon as practically convenient; and the board of directors may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of the State or of the United States.

Hold and use
real estate.

§ 6. It shall not be lawful for said bank to issue any note or bill to be used or passed as currency.

Notes placed on
footing of bills of
exchange.

§ 7. The private property of the stockholders is exempt from the corporate debts.

§ 8. The General Assembly shall have the right to examine the affairs of said corporation by any committee, agent or officer they may appoint for that purpose.

§ 9. This act shall take effect from its passage, and may continue in force for thirty years; and the Legislature reserves the right to alter, amend and repeal the charter at pleasure.

Approved February 23, 1888.

CHAPTER 252.

AN ACT for the benefit of common schools in Henry county.

WHEREAS, At the August election held in 1885, the people of Henry county, Kentucky, voted a tax of ten cents on each one hundred dollars' worth of taxable property in said county in aid of common schools, and said tax was levied and collected for the year 1886, but by an act of the last session of the Kentucky Legislature, the law under which said tax was voted was repealed, and the levy court refused to levy said tax for the year 1887; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tax of ten cents on each one hundred dollars' worth of taxable property in Henry county, Kentucky, voted by the legal voters of Henry county, Kentucky, at the August election, 1885, in aid of common schools, be restored for the years 1888, 1889 and 1890, and the county levy court of Henry county, Kentucky, is hereby empowered and directed to levy said tax for the years 1888, 1889 and 1890, to be collected by the sheriff of Henry county as State taxes are now collected, and paid by him to the county superintendent, to be used in aid of common schools in Henry county.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act to apply only to the county of Henry, and to take effect from its passage.

Approved February 23, 1888.

CHAPTER 253.

AN ACT to repeal an act, entitled "An act for the benefit of the Carlisle and Pleasant Spring Turnpike Road Company, in Nicholas county," enacted April 11, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the Carlisle and Pleasant Spring Turnpike Road Company, in Nicholas county," enacted April 11, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 23, 1888.

CHAPTER 254.

AN ACT to amend the charter of the Highland Collegiate Institute, in Union county, and to provide for teaching the common school of the district in which said institute is located.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Highland Collegiate Institute, in Union county, organized under the provisions of chapter 56 of the General Statutes, be, and the same is hereby, amended as hereinafter provided. That the present directors of the said Highland Collegiate Institute, namely, W. S. Phillips, C. J. Mattingly, R. W. Crabb, Thomas Wight and J. T. Brown, shall hold their offices until their successors are duly elected and qualified. Directors.

§ 2. It shall be the duty of the president of the said Highland Collegiate Institute, as soon as practicable after the passage of this act, to call a meeting of the stockholders of said institute, for the purpose of electing seven permanent directors of said institute. As soon as practicable after their election, the said Duty of president.

Elect president
and secretary-
treasurer.

directors shall duly take an oath for the faithful performance of their duties, and shall then proceed to organize by electing one of their number president and another of their number secretary and treasurer. Three of the said directors and the president thereof shall constitute a quorum for the transaction of business, and in the absence of the president four members may elect a president *pro tempore*. It shall be the duty of the said directors to fill any vacancy that may occur in the said board.

Object of incor-
poration.

§ 3. The purpose of the said Highland Collegiate Institute shall be to maintain in Uniontown, Union county, an institution of learning for the education of children, young men and young ladies.

Adopt by-laws.

§ 4. The president and directors shall have power to adopt by-laws for the government of themselves, and for the good conduct of the said institute. They may employ such professors and teachers as they may deem necessary for the efficient working of the said institute, and do all other acts necessary to the maintenance of a thorough course of education.

Acquire property

§ 5. The directors of the said institute may, in addition to the property now owned and used as a school building, acquire other property or money by devise, gift, or purchase; and may sell and convey any or all of the property of said institute whenever five-sevenths of said directors shall elect so to do by a record vote on the minutes of their proceedings.

Confer degrees
and grant diplo-
mas to students.

§ 6. The president and directors may confer degrees and grant to the students of said institute such diplomas as are usual in the chartered schools and colleges of this Commonwealth, which diplomas shall be signed by the president and faculty.

§ 7. The trustees of the common school of the district in which said institute is located may have the said common school taught in the building and by the faculty of said institute, upon such terms as may be expressly agreed upon by said trustees and the directors of said institute.

§ 8. All provisions contained in the original articles incorporating the Highland Collegiate Institute, that may conflict with this act, are hereby repealed.

§ 9. This act shall take effect from and after its passage.

Approved February 28, 1888.

CHAPTER 255.

AN ACT to repeal an act, entitled "An act for the benefit of the Carlisle and Park's Ferry Turnpike Road Company, in Nicholas county," approved March 8, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of the Carlisle and Park's Ferry Turnpike Road Company, in Nicholas county," approved March 8, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 28, 1888.

CHAPTER 256.

AN ACT to amend the charter of the Mayslick and Elizaville Turnpike Road Company, and to repeal certain parts thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of an act approved March 9, 1867, entitled "An act to incorporate the Flemingsburg and Mayslick Turnpike Road Company," and so much of the act approved February 29, 1868, changing the name of said corporation to the "Mayslick and Elizaville Turnpike Road Company," as authorizes the construction and operation of a turnpike road between the junction of said road with the Mayslick and Helena Turnpike Road, and its junc-

tion with the Mayslick and Flat Fork Turnpike Road be, and the same is hereby, repealed.

§ 2. All laws in conflict with the provisions of this law are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1888.

CHAPTER 257.

AN ACT to declare Long Branch of Blain creek, Lawrence county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Long Branch of Blain creek, in Lawrence county, Kentucky, being the first branch emptying into said Blain creek on the west side of said creek above the mouth of Cherokee creek, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall be in force from its passage.

Approved February 28, 1888.

CHAPTER 258.

AN ACT authorizing the county court of Rowan county to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Annually levy
ad valorem tax.

§ 1. That the county court of Rowan county, a majority of the justices of the peace of said county being present and concurring therein, may annually levy an ad valorem tax, not exceeding twenty cents on each one hundred dollars' worth of taxable property in said county, for the purpose of paying the claims, indebtedness or expenses of said county.

Taxes provided
for collected by
sheriff.

§ 2. The taxes herein provided for shall be collected by the sheriffs or collectors of said county at the same

time the State revenue and county levy taxes are collected, and for so doing said sheriffs or collectors shall be allowed the same commission that is now allowed sheriffs for collecting the State revenue tax, and shall pay said tax to the persons entitled thereto by order of said county court.

§ 3. For the faithful discharge of his duties under the provisions of this act, the sheriff of said county and his sureties shall be responsible upon his bond as collector of the county levy taxes. Responsibility of sheriff.

§ 4. This act shall take effect from and after its passage.

Approved February 23, 1888.

CHAPTER 259.

AN ACT to incorporate the Bank of Morganfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of dis- Incorporation.
count and deposit in the town of Morganfield, Union county, Kentucky; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name of the "Bank of Morganfield," and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direc- Directors.
tion of not less than five nor more than seven directors, who shall be stockholders and residents of this State. They shall be elected (after the first election) on the second Monday in January of each year, and hold their offices until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times

as may be fixed by the by-laws; and other meetings may be had when deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscription for so many of the shares of the stock of said bank remaining unsold as they may, at times, choose to sell; to declare dividends, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of said bank, and pay them such wages and take from them such bonds for the faithful discharge of their duties as they think proper. The stock shall be deemed to be personal estate, and shall be assignable according to such rules of the directors as they may prescribe; but said bank shall have a lien on the stock to secure any indebtedness of the stockholders for any portion of unpaid stock.

§ 3. Thos. B. Young, Henry D. Allen, E. L. Price,
Commissioners. John H. Wall and John M. Waggoner, are hereby appointed commissioners, any two of whom may open books and receive subscription for capital stock, and when one hundred shares have been subscribed it shall be their duty to give notice, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing election. The payment of the shares subscribed shall be made as follows: Five dollars on each share at the time of subscription, and twenty dollars on each share within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every sixty days: *Provided*, That after ten thousand dollars shall have been paid, the board of directors shall have power to prolong the time for payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice to them of their intention for thirty days, the directors may, by resolution entered on their

records, resell the same at such time as they may deem expedient, after due advertisement of such sale for ten days for any unpaid balance owing on said stock subscription; said bank may commence business as soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, notary public or county clerk.

§ 4. The capital stock of said company shall not Capital stock. exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 5. Said bank may receive deposits of gold, silver Receive deposits and bank notes, and other notes which may be circulated as money lawfully, and will pay same in such time and manner and with such interest as may be agreed upon with the depositors by special or general contract, not exceeding the legal rate of interest; may loan money, buy and sell gold, silver, exchange, promissory notes, bonds, stocks, bills of exchange, merchandise and produce, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter in all respects as a natural person may do, the non-payment of the debt or demand subject to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871; and the promissory notes or bills made negotiable and payable at its banking house, or at the place of business of any other bank incorporated under any law of this Commonwealth, or organized under any law of the United States, which may be discounted by said bank, and inland bills which may be discounted by it, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedies may be had thereon, jointly and severally, against the drawers, indorsers and acceptors.

§ 6. The said bank may acquire, hold, possess, use, Hold real estate, etc. enjoy and occupy all such real estate, goods and chattels, as may be necessary for the transaction of its

business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make all needful by-laws for the government of said bank, not inconsistent with the Constitution and laws of the United States or of the State of Kentucky: *Provided*, That said bank shall not hold any real estate conveyed to it as security for, or purchased by it in satisfaction of any debt due to it, for a longer period than five years.

Loan money. § 7. Said bank shall have power to make advances on approved securities of every kind; upon the agricultural, mechanical and other products of the county, including growing crops, merchandise and personal property; it may receive United States vouchers, warehouse receipts, bills of lading, bonds, stocks, notes, produce, merchandise, and any security in pledge for the payment of money loaned, debt owing, or liabilities that may become due to said bank, and shall sell the same on the non-payment of the debt or demands, subject to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

Deposits of married women and minors. § 8. That minors or married women may make deposits in said bank, and the check or receipt of such minor or married woman shall be valid.

Liability of stockholders. § 9. Every stockholder shall be individually liable to the creditors of said bank to the full amount of stock subscribed by him; but when the same shall have been paid for in full by him, then there shall be no further individual liability to the stockholder.

Notes and bills. § 10. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

Discontinuance. § 11. The president and directors of this bank are authorized and empowered to wind up the affairs of said bank whenever two-thirds of the stockholders represented by stock shall determine that the com-

munity and the intent of the company do not require its continuance.

§ 12. That this act shall take effect from its passage, and continue in force thirty years.

Approved February 28, 1888.

CHAPTER 260.

AN ACT to incorporate the Citizens' Bank at Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James A. Rudy, Geo. O. Hart, J. C. Tully, Edwin Farley, W. H. Slack and W. F. Paxton, and their associates, successors and assigns, are hereby created a body-politic and corporate, by the name of the Citizens' Bank; with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts whatever; and to have and use a common seal, and to change the same at pleasure; and to make all necessary rules, regulations and by-laws for its government not inconsistent with the laws of the State and the United States.

§ 2. That said company shall have power to transact a general banking and financial business; to loan and advance money, discount promissory notes, buy and sell exchange, stocks, and all kinds of mercantile securities. Promissory notes made negotiable and payable at the said bank, or at any other bank doing business in this State, or any national bank, and all inland bills which may be discounted and purchased prior to maturity by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, indorsers or other parties thereto.

§ 3. The said bank shall have the power to make advances on securities of every kind, and upon any

advances, insured, and in the event of any damage or loss to such articles or products, may collect the insurance; and it may charge the expense of such insurance and collection to the article insured or the owner thereof; and a lien is hereby given on the property so insured for the payment of said insurance.

Deposits of
minors and mar-
ried women.

§ 11. Said bank may receive deposits from minors and married women, and the checks of said minors and married women, or their receipts for same, shall be valid and binding.

Not hold real
estate longer
than 5 years.

§ 12. The said bank shall not hold any real estate conveyed to it as security for, or in payment of any judgment, decree or debt due to it, for a longer period than five years; and that the General Assembly shall have the right to examine the affairs of said bank by any committee or officer appointed for that purpose.

§ 13. The private property of stockholders shall be exempt from corporate debts.

§ 14. This bill shall go in effect from and after its passage, and shall continue in force for thirty years.

Approved February 24, 1888.

CHAPTER 261.

AN ACT for the benefit of B. F. Remington, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized to draw upon the Treasurer for thirty-five dollars and thirty-five cents, in favor of B. F. Remington, witness before the Joint Committee on the Penitentiary.

§ 2. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 262.

AN ACT to incorporate the Paducah, Cairo and Southwestern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas H. Puryear, W. P. Halliday, J. M. Bigger, J. D. White, A. J. Oglévie, Charles Reed, J. R. Smith, J. C. Cabb, Thomas H. Hayes, Hugh Mulholland, George Langstaff, M. Weil, George C. Thompson, E. P. Noble, H. L. B. Kremer, Murray Keller, Thomas L. Glenn, J. W. Nichols, R. R. Wakefield, W. S. Thomas, J. O. Harkless, J. D. Wilcox, James Montgomery, R. M. Shelton and John F. Cocke, with their associates, successors and assigns, are constituted a body-corporate, under the name and style of "The Paducah, Cairo and Southwestern Railroad Company," with power to contract and be contracted with, sue and be sued, in all the courts of this State and elsewhere; to have and use a common seal, with power to alter and change the same at pleasure; to make such by-laws, rules and regulations, as may be deemed necessary or proper for its government, not in conflict with the laws of the United States or the State of Kentucky, and with full power to carry into complete effect all powers granted in this act, and to carry out and execute the purposes of this act. Said "Paducah, Cairo and Southwestern Railroad Company" is vested with perpetual succession; any three of the persons named in this act have the power, by giving ten days' notice in some newspaper printed or published in the city of Paducah, to open books and receive subscription to the capital stock of the Paducah, Cairo and Southwestern Railroad Company, upon such terms and conditions as they may prescribe; and when the sum of one hundred thousand dollars or more shall have been subscribed to the capital stock of said railroad company, to order the books closed,

Names of incorporators.

Object of incorporation.

and on three days' notice given in some newspaper printed in Paducah, signed by any three of the subscribing stockholders, a meeting of the stockholders to said Paducah, Cairo and Southwestern Railroad Company may be called, at such time and place as they may agree on, to elect a board of directors and organize said company, and after its organization the board of directors may re-open books for the subscriptions of the unsubscribed stock, as often as may be thought necessary, until the whole amount of capital stock authorized by this act is taken, or the said board of directors of said company may dispose of the unsubscribed stock to said company in such way, and on such terms and conditions, and at such price as, in the judgment of said board of directors, will insure the construction and complete equipment of said Paducah, Cairo and Southwestern Railroad.

Directors open books.

Dispose of stock.

§ 2. The capital stock of said Paducah, Cairo and Southwestern Railroad Company shall be one million of dollars, or such amount as may be used by the directors of said company in its construction and equipment, divided into shares of one hundred dollars each, and may be transferred on the books of the company in such manner as the directors of said company may prescribe. The said Paducah, Cairo and Southwestern Railroad Company may construct a standard gauge railroad from Paducah to Cairo, with single, double or treble tracks, upon such route as it may select. It may purchase or receive, by gift or donation, any property, real or personal, or the right of way on which to construct its road, not exceeding one hundred feet wide; but all land or other thing necessary for the construction of its said road shall be condemned under the general law of the State of Kentucky. It may acquire land on which to erect its depots, side-tracks, offices, or any other structure, and construct thereon depots, side-tracks, offices, or structures deemed necessary or proper for said company, and the land or material may be do-

Capital stock.

Acquire land.

nated to said company for these purposes. Said com-
pany, by its officers, employes and agents, may enter
on, survey and lay out its track or tracks over any
lands between Paducah and Cairo. It may connect
or make running arrangements or consolidate with
any other railroad in or out of this State. It may
also construct its road to any bridge or transfer across
the Ohio river, either at Paducah or opposite Cairo,
in the State of Illinois, or any bridge or transfer
across the Mississippi river, either in the States of
Illinois or Missouri; and may make joint or other
running arrangements, or may make division of
freight or passage with any railroad company op-
erating a railroad or railroads at any or either of said
points or places.

§ 3. The Paducah, Cairo and Southwestern Rail-
road Company may issue its negotiable bonds in
such amounts and payable as such time as it may
see proper at some banking house or trust company
in the city of New York, the bonds to bear any rate
of interest not exceeding six per centum per annum,
payable semi-annually, with coupons attached; said
bonds to be signed by the president and secretary of
said company, with seal of company, the coupons to
be signed by the clerk of said company, with seal of
company, in any amount not exceeding one million of
dollars; and may secure the payment of all such bonds
with coupons by deed of trust on its road and all its
property and franchises, or the signatures to said
bonds may be lithographed.

§ 4. Any city, town or civil district into or through
which it is proposed to construct said Paducah, Cairo
or Southwestern Railroad may subscribe to the capital
stock of said company any amount, not exceeding
fifty thousand dollars, on such terms and conditions
as may be agreed on between said railroad company
and any such city, town or civil district, and pay the
same at par in the negotiable bonds of any such city,
town or civil district subscribing to the stock of said

Issue negotiable
paper.

Towns subscribe
to capital stock.

Election, vote on
subscription to
same.

company, the bonds to bear any rate of interest, not exceeding six per centum per annum, payable semi-annually at some trust company in the city of New York, with coupons attached to represent the interest; said bonds to be in amount one thousand dollars, and payable at such time as may be agreed on; all said bonds to be made negotiable. But no such subscription shall be valid and binding unless the question of subscribing stock shall be submitted to the legal and qualified voters of any such city, town or civil district at a general or special election, after giving thirty days' notice, and voted in favor of by a majority of all the qualified voters of any such city, town or civil district voting on the question of subscribing stock at any such general or special election to said company. In case the matter of subscribing stock is by a city, the question may, in their discretion, be submitted to a vote by the council of any such city; in case of a town, by the trustees of any such town; and in case of a civil district in any county, by the county judge, the justices of each civil district of any county in which such civil district is situated. The vote of any city or town to be taken at the places provided by law, and in the event none are so provided, then the council of any city and trustees of any town shall fix the place, and when in any civil district, the county judge of the county in which any such civil district is situated shall fix the voting place. The officers of any city or town who compose the polls in city or town elections shall compare the polls and certify the result of any and all elections under this act; and in case of civil districts the vote shall be counted and certified by the judge of the county court in which the civil district is situated. In case any city shall subscribe to the capital stock of said railroad company under this act, the mayor of any such city shall have the bonds issued and delivered to said railroad company. In case of any town, the trustees of any such town shall have the bonds issued and delivered to said rail-

road company; and in case of any civil district, the county judge in which the civil district is situated shall have the bonds issued and delivered to said railroad company. All bonds issued under this act by any city shall be signed by the mayor and clerk of any such city with the seal of city, but the coupons by the clerk of any such city under seal. All bonds issued by any town shall be signed by the chairman of the board of trustees of any such town and clerk under the seal of any such town, but the coupons by the clerk under the town seal. All bonds issued by any civil district in any county shall be signed by the county judge and county clerk of the county in which such civil district is situated, with the seal of the county, all coupons by the county clerk, with the seal of the county: *Provided*, That no bonds shall be issued under this act for stock subscription until the railroad is completed and operated through the county, city, town or civil district voting such stock subscription to said railroad.

§ 5. The officers of said Paducah, Cairo and South-western Railroad Company shall be managed and controlled by a board of seven directors, to be elected on the first Monday in January, from among the stockholders, after the first election of directors under this act, who shall hold their respective offices for one year, and until their respective successors are elected and qualified. Said board of directors shall from its members elect a president and vice-president, and an executive committee, to consist of the president and three directors; and said executive committee shall, when the board of directors is not in session, exercise all the powers and possess all the rights of the president and board of directors of said company when in session; and said executive committee may be called together at the will of the president of the company. The board of directors shall also elect a secretary, a treasurer, and attorney, and such other officers and agents as may be necessary, convenient or proper, in

Managed and controlled by board of directors.

Elect president, vice-president.

Secretary and treasurer.

the management of its business; and may require bond from any or all such officers or agents, and prescribe the condition of any and all bonds, and the terms and conditions of employment.

Make contract. § 6. Said Paducah, Cairo and South-western Railroad Company is vested with power to subscribe stock or make any contracts it may wish with the Paducah and Illinois Bridge Company, in regard to the construction of a bridge across the Ohio river, at or near Paducah, the passage of its locomotives and cars over such bridge, or any other matter or thing connected with said bridge. It shall have the right to construct branch railroads from its main line, not exceeding thirty miles in length, and own and operate the same under this charter.

County subscribe. § 7. In case any county shall subscribe to the capital stock of said railroad company under this act, it is made the duty of the county court of such county so subscribing to levy, annually, a tax on the tax-payers of the county on all property liable to taxation under the revenue laws of this State, sufficient to pay the interest on its bonds as the same matures, with the cost of collecting the tax, and to appoint a collector, and have said tax collected and applied to the payment of the interest on its bonds as the same matures; and when the bonds of the county become due and payable, in like manner to levy and have collected a tax to pay said bonds and the cost of collecting said tax. If any civil district in any county shall subscribe to the capital stock of said railroad company, then the county court in which such subscription is made by any civil district shall make a like levy, and have it collected and paid in like manner; but the levy shall be confined to the tax-payers and property within any such civil district. In the event any city subscribes to the capital stock of said railroad company under this act, the council of any such city shall cause to be levied and collected a like tax on the tax-payers of any such city, and applied in

like manner. In the event any town subscribes to the capital stock of said railroad company under this act, then the trustees of any such town are required to levy, appoint a collector, and collect from payers and taxable property of any such town a like tax, and for a like purpose, and which shall be by them so applied. If, after paying the interest on the bonds of any county, city, town or civil district issued under this act, there shall remain a surplus in the hands of any collector for any one or more years, it is hereby made the duty of the county judge of any county or civil district of any county, the council of any city, or the trustees of any town, to apply such surplus to the payment of any outstanding bonds of any county, civil district, city or town as may be determined on; any county, civil district, city or town, if it shall be thought best, may levy and collect from the tax-payers of any county, civil district or town, in addition to the tax herein authorized, and additional tax to create a sinking fund to pay said bonds, or any number thereof, before maturity.

§ 8. That said company shall, in good faith, begin the work of construction within two years from date hereof, and complete same within five years from the passage of this act, otherwise this charter shall stand as forfeited. When begin work.

§ 9. This act shall take effect from its passage and approval by the Governor.

Approved February 24, 1888.

CHAPTER 263.

AN ACT to amend an act, entitled "An act to incorporate the Madison and Kentucky Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act, entitled "An act to incorporate the Madison and Kentucky Rail-Amend original act.

road Company," approved May 3, 1884, be amended as follows: By striking from the seventh line of said section the word "eleven," standing before "directors," and by inserting after the word "stockholders," in the ninth line of said section, the following words, to wit: The board of directors may consist of such number as the stockholders may from time to time fix, not exceeding eleven.

Board consist of.

§ 2. That in addition to the officers provided for in the act hereby amended, there shall be elected at the same time and in the same manner that the president is elected, a vice-president of said company.

Vice-president.

§ 3. That section 6 of the act hereby amended is hereby repealed, and in lieu thereof it is enacted as follows, to wit: The said corporation shall have

Repeal section 6 of original act.

Object of corporation.

power to construct, conduct and control work-shops, warehouses, eating-houses and restaurants, and other buildings necessary for the uses of said company, and may pass all by-laws necessary or proper for the control or management of the affairs of said company, and alter the same at pleasure. Said corporation

Borrow money.

may borrow any sum of money, not exceeding thirty-five thousand dollars per mile of railroad built or to be built, contracted to be built or owned, and may issue bonds of any denomination, not less than one hundred dollars each, bearing any rate of interest not exceeding six per centum per annum, payable semi-annually, with coupons attached, and to mature in

Coupons, when mature.

not more than thirty years after date, and may secure same by mortgage or deed of trust upon all its franchises and property of whatever description. Said bonds shall be signed by the president, attested by the secretary of said company, and the coupons shall be signed by the engraved signature of the secretary of the company, and its corporate seal shall be to them affixed; and said mortgage shall be similarly executed, and may contain all usual, proper and necessary provisions and stipulations.

Seal.

§ 4. That section seventh be amended by adding Amend section 7. thereto the following words, to wit: The construction of said railroad may be begun at any point on its line that the said company may determine.

§ 5. Section eight of the act hereby amended is hereby repealed.

§ 6. That section 11 of the original bill be amended Amend section 11 of original act. by striking out "four," in the eighteenth line of said section, and inserting "eight" in lieu thereof; and by striking out "ten," in the nineteenth line of said section 11, and inserting in lieu thereof "fourteen."

§ 7. The private property of the stockholders of the said corporation shall be exempt from corporate debts.

§ 8. This act shall take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 264.

AN ACT to provide for repairing and keeping in repair the public roads in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the county to which this act shall apply, Who liable to work and number days. all persons who are within the road-working age, as provided by section 24, chapter 94, of the General Statutes, shall be required to work at least two days, of nine hours each, in each year, on the public roads of their respective road districts. And if, in the opinion of the road surveyor, more work is required, or if said surveyor be notified in writing by two freeholders of his district, that his road is out of repair, or has not been sufficiently worked, he then shall call out the freeholders and persons of his district who pay an ad valorem tax, and require them to work not less than eight days and not more three days consecutively; but no person shall be required

to work more than ten days in one year, and no person, other than a freeholder, shall be required to work more than two days in one year.

Tax

§ 2. An annual tax of ten cents on each one hundred dollars in value of the real and personal estate directed to be assessed for taxation in said county, not taxed for town or city purposes, shall be paid by the owner or person assessed for road purposes, and said tax shall be collected by sheriff or county tax collector at the same time and by the same legal process that the county levy is collected; said sheriff or tax collector shall be liable on his official bond for all taxes collected under this act.

How tax paid.

§ 3. Every person other than a freeholder or land-owner, whether within the road-working age or not, may pay his poll or capitation tax by working on the public road under the supervision of the road surveyor, as required by section 1 herein, at one dollar per day; and if a freeholder, land-owner, or taxpayer, they may pay their road tax by furnishing wagon and team at two dollars and fifty cents per day, plow and team two dollars and fifty cents per day, cart and one horse one dollar and fifty cents per day, horse and scraper one dollar per day; but it shall take nine hours to constitute a day's work in all cases, and if any person works less than nine hours, he shall be allowed credit for a half day's work only, and no person shall be allowed credit for a half day, unless they work at least five hours in that day.

County court divide county into districts.

§ 4. It shall be the duty of the county court, composed of the justices of the peace of said county, to divide the public roads in said county into new districts, numbering them consecutively, giving a definite boundary and length to each, the same to be recorded by the county clerk in a road-book kept for that purpose. The county court shall then make the order and appoint a road surveyor for each, according

Appoint surveyor.

to the provisions of section 23, chapter 94, of the General Statutes.

§ 5. It shall be the duty of each magistrate of the county to ascertain from the surveyors of the public roads in their respective magisterial districts, or from the personal examination of said roads, how much money will be required to keep up or repair them for the current year, and pay the claim for work already done on said roads that year. And said magistrates shall so report in writing to the county court of claims, and thereupon the county court, composed of the justices of the peace in and for said county, shall appropriate a sufficient sum of money to each public road in said county to repair it, or reconstruct it, as the case may be, or pay the claims for work already done upon said roads; said appropriations to be paid out of the road tax collected for that year, or to be paid out of the county levy as other claims are paid, if said road tax is not sufficient. But this act shall not prevent the county court from making appropriations to pay road claims out of the county levy as now required by the General Statutes, when the road tax is not sufficient. If the fund raised by the tax under this act is not all expended in one year, then the residue shall be carried to the succeeding year, and expended on the public roads that year.

Magistrates' duty
Court of claims
appropriate
money repair,
etc., roads.

§ 6. Any person or persons who shall work upon the public roads to pay their poll or road tax shall receive from their road surveyor a certificate stating that said person or persons have worked a half, whole or number of days, as the case may be; and said certificate of the surveyor shall be received and credited by the tax collector or sheriff, and shall be a voucher to him of its amount in any settlement of his accounts with said county court for the year following, or succeeding year from that in which said work was done; and it shall be the duty of the various road surveyors to furnish the county court and the sheriff or tax collector a list of persons who have paid their taxes by

Certificates.

List of persons
who pay tax by
work.

working on the public road, giving number of days or parts of days each has worked; and every road surveyor failing to furnish said list to the county judge and sheriff by the first day of December of the year in which the work was done, shall be fined not less than ten nor more than twenty dollars for each offense.

Penalty.

§ 7. Every person assigned to work the roads as is provided herein, who shall fail to labor or to furnish a proper substitute, shall be fined five dollars for each such offense by warrant in the name of the Commonwealth, unless said non-attendance is caused by sickness of himself or immediate family. But it shall be the duty of each road surveyor to furnish the county judge a list of all persons who have failed to work the roads that year in their respective districts, and thereupon said judge shall immediately cause said person or persons to be brought before him and show cause why they should not be fined as provided for herein. And said list shall be furnished said judge by the first day of December of the year in which said work was required; and upon the failure of the road surveyor to furnish said list, he shall be fined not less than ten nor more than twenty dollars for each offense, by warrant in the name of the Commonwealth, or be indicted by the grand jury of the county; and upon any magistrate failing to notify the county court how much money is required for the roads in his magisterial district, as directed and provided herein, shall be fined not less than ten nor more than twenty dollars for each offense by warrant in the name of the Commonwealth, or by indictment of the grand jury.

§ 8. All acts in conflict herewith are repealed; but this shall not be construed to repeal any of the general laws in relation to the public roads, except such as directly conflict with this act. This act shall only apply to Lincoln county.

§ 9. All property assessed for town or city purposes shall not be taxed for road purposes as directed herein. But nothing herein shall be so construed as to relieve property of any kind from taxation for road purposes, although within the limits of a city or town, unless said property is actually taxed for town or city purposes.

§ 10. This act shall take effect and be in force from the first day of May, 1888.

Approved February 24, 1888.

CHAPTER 265.

AN ACT to amend an act, entitled "An act to amend the charter and reduce into one the several acts concerning the town of Sharpsburg, Bath county," approved March 6, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section fifteen (15) of said act be, and the same is repealed, and there is hereby enacted in lieu thereof the following: "That the police judge of said town shall have exclusive original jurisdiction of all violation of the ordinances and by-laws of said town, and concurrent jurisdiction with justice of the peace of Bath county in all criminal, penal and civil cases and proceedings. In all civil actions where the amount in controversy, exclusive of interest and costs, exceed fifty dollars, the action shall be by petition and summons; but the plaintiff shall pay to the police judge a tax of fifty cents, to be taxed as costs, and accounted for by said judge on his official bond to the trustee of the jury fund for Bath county."

§ 2. That section twenty-one (21) of said act be, and it is hereby, amended by striking out all of said section 21 after the words "provided however," in the sixteenth line thereof, and inserting in lieu thereof the following: "That said police judge shall have power

and authority to direct his process to be executed by the sheriff or any constable of Bath county; said town marshal shall attend all the sessions of the police court held for the trials of criminal and penal cases, and shall give the town attorney notice of any proceedings in the police court of said town which it is his duty to prosecute or defend; said marshal shall procure evidence in all cases affecting the town, and within Bath county; said marshal shall have the same power and authority to serve and execute all process, civil, criminal or penal, that constables now have, and he shall be subject to the same liabilities, together with his securities, in the same manner and to the same extent as constables under the general laws; he shall have the power to appoint deputies not exceeding two, to be approved by the police judge, and sworn to discharge their duties; but said deputies shall have no power to execute any civil process; the marshal shall, for his services, receive the same fees allowed by law to sheriffs or constables for similar services."

§ 3. That section thirty-two (32) of said act be, and the same is hereby, repealed.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 266.

AN ACT to regulate municipal elections in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Election, how
held.

§ 1. That from and after the passage of this act all elections in the city of Louisville of municipal officers, members of the general council and school trustees, or to determine any municipal question submitted to the people, shall be held and carried on by ballot in the manner hereinafter provided; but the pro-

visions of this section shall not apply to the election of judge, clerk or marshal of the city court, as long as such officers are voted for at the August election.

§ 2. In order to have their names printed on the bal-^{Candidates nomi-}
lots hereinafter described, candidates must be nomi-^{inated}
nated as follows: A candidate for one ward must be proposed by the written petition of ten or more registered voters of the ward, accompanied by the city treasurer's receipt for five dollars; a candidate for the city at large must be proposed by the written petition of fifty or more registered voters of the city, accompanied by a like receipt for twenty dollars; the petition in either case to be presented to the mayor not less than ten days, Sundays included, before the election.

§ 3. It shall be the duty of the mayor of the city ^{Duty of mayor.}
to cause to be printed and bound, and ready for distribution, not less than three days before any municipal election, one book of stubs and ballots for each voting precinct in said city, and within such three days to distribute these books among the clerks of such precincts. The book for each precinct shall contain as many leaves as there are registered voters therein, with a reasonable number added to supply ballots that may be spoiled. The form hereinafter given for the election return shall be printed on the inside of one of the covers of the book. The cost of printing and binding these books, and the necessary expenses of all publications, stationery, ballot-boxes and compartments prescribed by this act, shall be borne by the city. Should the mayor be absent from the city, or prevented by sickness from acting, the duties imposed by this section upon him shall be performed by the city attorney.

§ 4. Each stub in such books shall have printed on ^{Description of}
it a consecutive number, commencing with number ^{books and stubs}
one, and shall be worded as follows:

Consecutive number —. (After these words the

consecutive number shall be printed, beginning with one and increasing in regular numerical order.)

Name of voter ——. (After these words the clerk shall set down the voter's name.)

Registered residence ——. (After these words the clerk is to set down the voter's residence as found in the registration book of the precinct.)

Ballots. The ballot shall be printed on the same leaf with, and shall be separated from, the stub, by a perforated line; and it shall be divided by heavy black lines into two columns, and these again by horizontal black lines into divisions for the different offices to be voted for, on questions to be determined. Each division shall be substantially in the following form:

For Mayor { John Brown,
William Smith,
James Williams,

arranging the names in the alphabetical order of their surnames, and if several candidates have the same surname, in the order of their given names; and in like manner for the other city offices to be filled in this order: Mayor, receiver of city taxes, treasurer, auditor. Then, if any question be submitted

Ballots. For — tax (or other measure) { Yes or
No.

Should there be hereafter other officers to be voted for by the whole city, proper divisions are to be added for them. In the second column similar divisions shall be printed: For alderman, for councilman, for school trustee, with the names of the candidates put after them in the manner above indicated: *Provided*, That the ballot shall have only one column, when only representatives of wards, or when only officers for the whole city are to be elected.

Duty of mayor— continued. § 5. The mayor shall cause the contents and form of the ballot, in the exact shape and size in which it is to be used for the city at large and for each ward, to be published in one or more of the daily newspapers that do the city printing on the day pre-

ceding the election, or in handbill form, in his discretion, in which latter case he shall cause said handbills to be properly circulated and distributed to the end that the voters may become familiar therewith.

§ 6. It shall be the duty of the general council, as soon as practicable after the passage of this act, by ordinance, to subdivide the wards into precincts in such a manner that no precinct shall contain more than three hundred and fifty registered voters; and from time to time to subdivide the precincts further, whenever any of them come to contain a greater number of such voters, so as to bring and keep all precincts within the above limit.

§ 7. When a voter has given his name, and the same is found on the registration list, and he is found otherwise qualified, the clerk of the election shall put the voter's name on a stub in the book, together with the voter's registered residence, and the stub-book shall for this purpose take the place of a poll-book. The clerk shall tear the ballot off the stub and write his own name on the back thereof, and hand it thus indorsed to the voter. He shall also hand the voter an envelope or paper bag, and shall then check the voter's name off on the registration book. Votes, how cast.

§ 8. The mayor shall provide each precinct with a good and substantial ballot-box of sufficient size; the judges, clerk, and sheriff of each precinct shall, just before the voting begins, open and inspect such box, and satisfy themselves, and such of the candidates as may be present in person or by one representative, that the box is then empty. The box shall have a slit in the lid, through which ballots may be put in, but through which they can not be taken out; (the lid shall be fastened by two locks, requiring two different keys, of which each of the two judges shall keep one; said ballot box to be locked before the voting begins). The mayor shall also cause to be set up, at each voting place, wooden compartments, one for every one hundred and seventy-five registered voters or fraction a Mayor provide ballot boxes.

thereof, about six feet in height and about three feet square; one side to open and shut as a door, with a narrow shelf affixed to the opposite side. The clerk of each precinct shall put into each of these compartments lead pencils hung by strings.

Duty of voter. § 9. Each voter, when furnished with a ballot and envelope or paper bag, must step alone into one of the compartments and close the door behind him, and while within the same he shall put on his ballot, after each name of the candidates whom he prefers, a pencil mark in the shape of an oblique cross, in substance thus X, and in like manner after the answer yes or no, to any question submitted to the people. While still in the compartment he shall fold the ballot and put it in the envelope or paper bag furnished to him. Should he inadvertently spoil a ballot he may return it and receive in place thereof one other ballot; the spoiled ballot thus returned shall be preserved by the clerk, and the fact shall be noted by him by writing the word spoiled on the stub. (A voter may cast his vote for a person not nominated, as provided in section 2 above, by writing the name of such person after that of the office to which he would have him elected, and making the mark hereinabove provided for after such name.)

Blind voters. § 10. When a voter is, and avows himself to be blind, and is found to be such by the concurrence of both judges and the sheriff of the precinct, the clerk shall accompany him to one of the compartments and mark the ballot at his dictation, and the word "blind" shall be put on the stub under such voter's name.

What ballots void. § 11. A ballot which appears by its paper or type not to have been taken from the stub-book, or which is not indorsed with the clerk's signature, or which contains any marks or writing upon it other than provided for by law, or which is put into an envelope or paper bag having any mark or writing upon it, or two or more ballots put into the same receptacle,

shall be void. Where a voter marks more candidates for one office than he has a right to vote for, the ballot shall be void as to that office only.

§ 12. A voter shall not occupy a compartment for more than three minutes, and shall, as soon as he leaves it, hand his ballot, folded and within the envelope or paper bag, to the judges, who shall immediately, in the voter's presence, drop it in the ballot-box, affording him full opportunity to see it dropped in for himself; whereupon the voter shall at once withdraw from the room to the distance hereinafter prescribed. The sheriff of the precinct shall enforce the provision limiting the voter's stay in the compartment, and requiring his immediate withdrawal after voting.

Voter occupy
compartment
only 3 minutes.

§ 13. When a person in whose name a vote has already been cast offers himself to vote, and it appears to the satisfaction of the judges that he is the true bearer of the registered name, they shall give him a ballot, but shall mark on the back thereof and on the stub the words "voted on before," together with the registered name, and the ballot thus marked shall not be counted in declaring the result, but may be used in a contest over the election.

§ 14. The polls at all municipal elections in Louisville shall open at 7 A. M., and close at 7 o'clock, P. M., and the voting shall not be suspended during that time. Each ballot-box shall then be opened, and the count shall at once proceed without interruption at the voting room, until every vote for every candidate and on every question is counted. Each candidate may be present at the count in person or by one representative. The ballots on which questions are raised by one of the judges, or which is rejected, the ballots counted as valid, those marked "voted on before," and the spoiled ballots, shall all be put in separate sealed packages, and the number and description of ballots indorsed upon each package. The officers of each precinct shall return these

Times of voting.

packages, together with the stub-book to the mayor on the night following the election, or to the city attorney if the mayor should be sick or absent from the city.

§ 15. The form of the return to be made on the inside of the cover of the stub-book shall be substantially as follows: Municipal election, _____ day of _____, 18—, _____ precinct of _____ ward. Number of ballots counted as valid, ——. Number of ballots questioned or rejected, ——. Number of ballots marked "voted on before," ——. Number of ballots marked "spoiled," ——. Whole number of ballots cast, ——. Number of votes received for mayor, ——. By ————. Number of votes received for receiver of city taxes, ————. By ———— (and so for other city officers). Number of votes on question of ————. Voted yes, ——. Voted no, ——. Number of votes received for alderman, ————. By ————, (and so for councilman and school trustees). We, the judges, sheriff and clerk of election at the precinct and ward of the city of Louisville above mentioned, certify that the above is a correct return of the election held therein on the day aforesaid.

_____, Judge.
 _____, Judge.
 _____, Clerk.
 _____, Sheriff.

Any candidate, or candidate's representative at the precinct, may demand from the officers a duplicate, to be signed in like manner, which may be used as proof, in case of loss or destruction of the original; and for this purpose each of the precinct clerks shall be furnished with a sufficient number of blank returns.

Election laws,
 what repealed.

§ 16. The laws now in force for the election of election officers, and for making returns of election in the city of Louisville, and the ordinances of the general council enacted under the same, as far as compatible

with this act, shall remain in force, subject to the power of the general council to repeal such ordinances, and to enact others not incompatible herewith; but it is further provided, that any person who, having been duly elected by the general council for the office of judge, sheriff or clerk, shall absent himself from the polls on the day of any municipal election during the year for which he is chosen, or shall fail to act on any such day in the office for which he is chosen by the general council, not being prevented by sickness of himself, wife, child or parent, shall forfeit, for every such failure, the sum of fifty dollars, to be recovered by proceedings in the nature of an ordinance warrant in the city court, and to be collected as other fines in such court are collected: *And provided further*, That whenever vacancies arising through the absence of any such officer have been filled by the remaining officers, the person temporarily filling the position shall vacate the same whenever the officer regularly elected appears and demands his place.

§ 17. The following persons and no other shall be permitted to remain in the room in which the election is held with the judges, sheriff and clerk: One agent of each candidate who has been named in writing by the candidate, as the only or as one of two agents for such precinct, provided such writing has been deposited, before the opening of the polls, with the clerk of the election, who shall set down the name of such agent and that of the candidate he represents in the stub-book before the voting begins. These agents have the right to challenge persons offering to vote, but are not allowed to persuade, influence or intimidate any one in the choice of his candidate, or to attempt doing so, nor shall they go forward and backward between the polls and those awaiting their turn.

§ 18. The voting places at all elections under this act shall be so arranged as to leave a clear space of

fifty feet between the room or inclosure in which the voting is done and those waiting their turn to vote, or other persons present at said election; and the sheriff of election and the police stationed at said precinct, shall keep all persons, except the officers of the election, those voting at the time, and the candidates, or agents of candidates hereinabove mentioned, at that distance from the room or inclosure; and for that purpose, the mayor of the city shall cause to be stationed one or more policemen at each voting place, specially charged to enforce the provisions of this section.

Duty of policemen.

§ 19. Any policeman who fails to keep all persons at the lawful distance from the room or inclosure as hereinabove provided, or who, while stationed at the polls, seeks in any way to influence voters in their choice, or seeks to induce any one to vote, or not to vote, or makes any demonstration whatever for or against any candidate, or acts with partiality against or toward any party or candidate, while in the performance of his duty as policeman, at or near the voting place, shall thereby vacate his office as policeman, and it shall be the duty of the mayor to dismiss him at once from the force.

Penalties.

§ 20. The penalties denounced by article 12 of chapter 33 of the General Statutes, and as far as applicable in article 13, section 12 of the same, and the proceedings therein authorized, shall apply to elections as regulated herein, as herein explained and modified.

1. The word "sheriff" in section 1 of said article shall include "mayor," or the officer acting in place of the mayor.

2. The word poll-books shall include the stub-books hereby authorized.

3. The failure of election officers to act shall be prosecuted under section 16 of this act.

Falsely impersonating registered voter.

4. Any person who falsely personates a registered voter, and receives a ballot under the provisions of section 7 of this act by means of such personation,

and casts said ballot, shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to imprisonment in the penitentiary at hard labor for not less than one year nor more than two years, and forfeits his right to vote forever after. The attempt at such personation shall be punished as a misdemeanor, with a fine of not exceeding two hundred dollars, or imprisonment not exceeding six months, or both.

5. After the final count of the ballots provided for herein, the mayor or officer acting in his place shall seal up, in separate packages, the ballots cast at the election, the spoiled ballots, those marked "voted on before," and all other papers connected with the election, and deliver the same to the clerk of the Jefferson circuit court, to be by him carefully preserved for one year, and so long thereafter as any prosecution or civil action may be pending in any of the courts of this Commonwealth under this act; said packages may be opened and used as evidence in any criminal prosecution or civil action after an order therefor by said court; but, thereafter, must be immediately resealed by said clerk. Duty of mayor after final count.

6. Any officer of election who gives any information as to any one's vote, which he has obtained in the course of or by color of his office, except when compelled to do so in the course of a judicial investigation, shall be guilty of a misdemeanor, and shall, on conviction, pay a fine of not less than fifty nor more than one hundred dollars for each offense.

7. The law of bribery, as defined in article twelve of chapter thirty-three of the General Statutes, shall be so construed as to all elections to municipal offices in the city of Louisville, including judge, clerk and marshal of the city court, positions in the general council and school board, and votes on questions submitted to the people of Louisville by the general council, that it shall not be deemed material in which way or whether a voter would have voted if he had not received the

bribe or the promise thereof. But the offense of giving or receiving a bribe shall be complete when any thing of value is given, offered, or promised to a voter as an inducement to vote or not to vote, or to vote in any particular way at an election, or as a reward for having voted, not voted, or voted in a particular way, or for having procured another to vote in a particular way, or not to vote; and it shall also be immaterial whether the person to whom the bribe is given or offered casts or withholds the vote in the manner desired of him, or does otherwise.

Penalties
against officers
of election.

8. Any judge or sheriff of an election who corruptly and falsely declares a voter to be blind, under section 10 of this act, shall be liable to the penalties imposed upon officers of election by subsection 6 of this section for the acts therein denounced.

Policemen.

9. Any policeman who shall attempt, while at or near the polls, to influence any voter in his choice, to induce any one to vote or not to vote, or who, unfairly and with partiality, admits any voter to the polls before his turn, or unfairly and with partiality keeps any voter from the polls, or unlawfully assaults or in any way intimidates, or, by threats or violent language, seeks to intimidate any voter, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding one hundred dollars, and in case of assault and battery, may be fined and imprisoned, in the discretion of the jury; and shall also be declared incapable of serving as police officer of the city of Louisville for three years from the date of conviction.

Penalties.

Penalties.

10. Any judge, sheriff or clerk of an election, who shall be guilty of any of the acts named in clause 9, and made unlawful in the case of a policeman, or who shall unlawfully accompany or follow any voter into a compartment, shall be deemed guilty of a misdemeanor, and subject to like fine and imprisonment, and shall be declared incapable of serving as an officer of election, or as agent or representative of a can-

didate at the polls, for three years from the date of the sentence.

11. Any person acting as the representative of a candidate, who violates any of the provisions of section 17 hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one hundred dollars, and be declared incapable for three years thereafter to serve as officer of election or as a representative of a candidate at the same.

12. Any person who shall give, advance or lend, or who shall offer to give, advance or lend to any person who is a candidate at a municipal election in the city of Louisville, or to any other person on behalf of such candidate, any money, security for money, or other thing of value, to be used in influencing, directly or indirectly, a voter or voters at such municipal election, shall be deemed guilty of bribery, and shall be punished as prescribed in chapter 33, article 12, section 12, of the General Statutes.

13. Any person who shall give to any voter any ticket, badge or token, denoting the vote cast or promised to be cast by such voter at such municipal election, with the purpose that such ticket, badge or token shall entitle such voter, or any one for him, or any one in any way designated by him, to any reward in money or other thing of value, shall be deemed guilty of bribery, and shall be punished as prescribed in chapter 33, article 12, section 12, of the General Statutes.

14. The penal provisions of this act shall, as far as applicable, extend to the elections of judge, clerk and marshal of the Louisville city court.

15. Any person who shall organize or help to organize any club or association, with intent that members thereof shall receive, or shall be promised, any money, thing of value or reward, for voting at a municipal election in the city of Louisville, shall be deemed guilty of bribery, and shall be punished as

prescribed in section 12, article 12, chapter 33, of the General Statutes.

Bribery. 16. It shall be unlawful to give, advance, lend or deliver, or to offer to give, advance, lend or deliver any money, note, bill of exchange, or other thing of value, to any candidate, or to any other person, for the purpose of its being used in any way in controlling or influencing any election provided for in this act; and all persons violating the provisions of this subsection in this respect shall be deemed guilty of bribery, and punished on conviction thereof, as prescribed in chapter 33, article 12, section 12, of the General Statutes.

Bribery. 17. Any person who shall give, subscribe to, or promise to contribute to any fund raised or to be raised, to be used in any way, directly or indirectly, in influencing any election, shall be guilty of bribery, and on conviction, be punished as prescribed in chapter 33, article 12, section 12, of the General Statutes.

Liquors prohibited from room. 18. Any person who, during an election held in accordance with the provisions of this act, in the city of Louisville, or during the count of any vote taken at such election, or while making the return or certificate thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered, or sent into, or shall attempt to bring, take, or send into any room or inclosure where any such election, count or return, or certificate thereof, is being held, taken, or made out, or within the prohibited fifty feet around same, any distilled or spirituous liquors whatever, or shall, at any such time and place, drink or partake of any such liquor, shall be guilty of a misdemeanor, and, upon conviction, be fined not less than fifty nor more than one hundred dollars.

Attempting to vote when convicted of felony. 19. Any person who shall have been convicted of bribery, felony, or other infamous crime under this act, or the laws of the State of Kentucky, and who shall thereafter vote, or offer to vote, at any election held under this act, without having been pardoned and restored to all the rights of a citizen, shall, on

conviction, be adjudged guilty of a felony, and for each and every such offense shall be punished by confinement in the penitentiary for not less than one nor more than two years.

20. Any person who shall willfully disobey any ^{Disobeying officers.} lawful command of any officer of an election held under this act, given in the execution of his or their duty as such, at any such election, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than two hundred nor more than five hundred dollars.

21. Any person who, at or near any precinct during ^{Breach of peace.} an election held under this act, shall commit, or cause to be committed, a breach of the peace, or use any disorderly violence or threats of violence, whereby any such election at such precinct or the counting of the votes cast thereat, or the making returns or certificates thereof, shall in any way be impeded or hindered, or whereby the lawful proceedings of any such judge, clerk, sheriff, or person permitted to be present under section 17 of this act, or policeman stationed at such precinct, are interfered with, he shall be guilty of a misdemeanor, and, on conviction, be fined not less than one nor more than two ^{Penalty.} hundred dollars.

22. Any person who shall knowingly or willfully ^{Interfering with voter.} obstruct, hinder or assault, or who shall by bribing, solicitation or otherwise, interfere with any judge, clerk or sheriff of an election held under this act, or any person permitted by section 17 of this act to be present at the casting or at the counting of the votes at any such election, or at the making out of the returns or certificates thereof, in the performance of any duty required of such judge, clerk, sheriff or person, or in the performance of any act or duty which such judge, clerk, sheriff or person may, by law, be authorized or permitted to perform; or who shall on the day of any such election, by any of the means before mentioned or otherwise, unlawfully

hinder or prevent, or attempt to hinder or prevent, any such judge, clerk, sheriff or person mentioned in section 17 of this act from being present at the room or inclosure where such election is held in the precinct in and for which he is appointed or designated to serve; or from having full and free passage to and from any such room or inclosure save as otherwise provided in this act; or to and from any such room or inclosure where any such election, count of votes or making out of any returns or certificates thereof is being held, taken or made out; or who shall molest, interfere with, remove or eject from any such room or inclosure where any such election, count of votes, or making out of returns or certificates thereof is being held, taken or made out, any such judge, clerk, sheriff or person, save as otherwise provided in this act; or who shall unlawfully threaten or attack such judge, clerk, sheriff or person, or shall offer so to do, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than three nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or shall be both so fined and imprisoned, in the discretion of the jury.

Penalty.

Penalties against
officers of elec-
tion.

23. Any judge, clerk, or sheriff, at an election held under this act, or person permitted under section 17 of this act to be present at the casting or counting of votes at any such election, or the making out the returns or certificates thereof, who has or keeps any stub-book containing stubs and ballots similar to those provided for in sections 3 and 4 of this act, or envelope or paper bag similar to those provided for in section 7 of this act, within the room or inclosure where the voting, the counting or making out the returns or certificates thereof, at any such election, is being held, taken or made out, or any such judge, clerk, sheriff or person who electioneers or distributes any such ballots or paper bags or envelopes, or en-

gages in any political discussion at any such time and place, shall be deemed guilty of a misdemeanor, and, upon conviction, be imprisoned not less than fifteen nor more than ninety days in the county jail, or pay a fine of not less than one hundred nor more than five hundred dollars, or both.

24. Every judge of an election under this act, who Judge election. shall willfully exclude any vote duly tendered, knowing the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of Penalties. a felony, and shall be punished by imprisonment in the penitentiary for not more than two years.

25. Every act which, by the provisions of this act, or the general election laws of the State of Kentucky, or the ordinances of the city of Louisville, is made criminal when committed with reference to the election of a candidate for a municipal office, including positions in the general council or school board, is equally criminal when committed with reference to the determination of a question submitted to voters to be decided by votes cast at an election held under this act.

26. Irregularities or defects in the mode of Irregularities. convening, holding, or conducting an election under this act shall constitute no defense to a prosecution for a violation of its provision.

§ 21. Whenever a person is arrested, on the day of a municipal election in said city, for a violation of the election laws, he shall not be released on bail by the examining court unless he will, besides giving such bail for his appearance, also give bond in the penalty

of five hundred dollars, with two good and sufficient sureties, that he will not commit any breach of the election laws thereafter, either on that day or during the counting and return of the votes cast on such day ; and in default of giving such ball and bond he shall be committed until released by due process of law.

Penalties against
corrupt practices
of candidates.

Contest.

§ 22. Any candidate who gives, offers, or promises to give, to any voter, any money or other thing of value to obtain his vote, or to prevent him from voting, whether he thereby obtains the desired result or not, and any candidate who procures, requests, or knowingly permits any agent or friend, or other person on his behalf, thus to give, offer or promise to give money or other thing of value to any voter to obtain his vote, or to prevent him from voting, whether the desired result is obtained or not, or who has hired or otherwise induced or encouraged any election officer to commit any unlawful act, or has hired or induced or encouraged any person to commit any act of violence at or near the polls, on election day, shall be deemed to have committed corrupt practices within the meaning of this act. If any candidate thus guilty be returned as elected, his election shall be declared void upon a contest, the facts constituting such corrupt practices being alleged and proved against him ; and he may be examined as a witness against himself, as in actions by ordinary proceedings. But any candidate whose election is thus contested, and who shall be so used as a witness, shall not be held criminally responsible for any bribery or similar offense committed by him at or in relation to the same election.

§ 23. The Jefferson court of common pleas and the Louisville law and equity court shall have jurisdiction of all contests for municipal offices in the city of Louisville, including places in the general council or board of school trustees, in the manner hereinafter prescribed.

1. A contest on the ground of ineligibility or corrupt practices of the successful candidate, may be set

on foot and carried on by any five registered voters of the city.

2. A contest upon other grounds must be set on foot and carried on by the candidate claiming to be entitled to the certificate of election.

3. In either case, the contest must be commenced on or before the 20th day, Sundays included, after the election, by serving upon the apparently successful candidate a notice stating the grounds of contest, which notice shall be filed in the clerk's office of said court. In contests under this act fees shall be charged by the officers of the court as in civil actions, and judgment for costs shall be rendered against the unsuccessful party.

§ 24. The contestee's answer must be filed on or before the twentieth day after the service. No further or other pleadings than the returned notice, which takes the place of a petition, and the answer, shall be allowed. The trial of the contest shall be set by the court for the earliest practicable day. Evidence shall be taken as in ordinary actions. The decision of such contest shall be final, and no appeal allowed therefrom.

§ 25. When the court trying the contest finds that the apparently successful candidate was, at the time of the election, not eligible, or that he was guilty of corrupt practices at such election, it shall declare the election for the position or office in contest void, and a vacancy shall arise, to be filled like other vacancies: *Provided*, That the person whose election has been declared void can not be elected to fill the vacancy, except by a new popular election. The provision of this section, and of sections 22, 23 and 24, shall apply to the elections of judge, clerk and marshal of the city court.

§ 26. Any five registered voters of the city may, in like manner, contest the result of the vote on any question submitted to the people for its vote. In that

case the notice of contest, instead of being served by copy, must, within the time above limited, be published in any English daily newspaper in the city of Louisville, and filed in said court, and subsequent proceedings take place as above, except that appeals may be taken in such cases as in other cases involving a similar amount. Any person or corporation interested in the declared result may answer; and should contradictory defenses be offered by different persons or corporations, the court shall, on summary hearing, determine which of the parties appearing is most strongly interested in maintaining the declared result, and shall award such party the management of the defense of the contest.

1. When the people are called upon to vote, on any tax or loan or indorsement in aid of any railroad company or corporation, the expenditure of any money by such company or corporation, or officers thereof, whether officially or in their individual capacity, with a view to influence the result of the vote, shall be considered a corrupt practice within the meaning of this act, and shall render the result in favor of such tax, loan or indorsement void, so to be declared upon contest as hereinbefore provided for. The directors or officers of the corporation may be examined in such contest like other witnesses; but any person so examined shall not thereafter be held criminally responsible for any bribery or similar offense committed at, or with a view to, such election.

§ 27. The ninth section of this act, together with a German translation thereof, shall be printed in large type and posted on the outside and inside of each of the compartments described in this act, and the provisions thereof shall be explained by the officers of election to any voter at his request.

§ 28. This act shall go into effect from and after its passage.

Approved February 24, 1888.

CHAPTER 267.

AN ACT to amend the charter of the Campbell Turnpike Road Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Campbell Turnpike Road Company, in Campbell county, be, and the same is hereby, authorized to acquire, by purchase or any other lawful manner, the turnpike road of the Grand View Turnpike Company in said county, and in payment therefor may issue and deliver to the stockholders of the said Grand View Turnpike Company capital stock of the Campbell Turnpike Road Company in a sum not exceeding two thousand five hundred and fifty dollars; and the capital stock of said Campbell Turnpike Road Company is increased in said sum for said purpose.

§ 2. If said turnpike road is purchased as provided herein, the Grand View Turnpike Company shall thereby be dissolved, and all its corporate rights and franchises, in so far as they apply to said road-way, shall become the property of and vest in the Campbell Turnpike Road Company; and over said road the Campbell Turnpike Road Company shall have the same rights and be liable to the same penalties, and shall be under the same obligations in every respect, that belong or attach to it in respect to its present road-way.

§ 3. Said purchase and sale may be made by concurrence of a majority in number and interest of the stockholders of each of said corporations, expressed at a regular stockholders' meeting, or at a special stockholders' meeting called for the purpose, of which notice may be given for ten days by the president of each of said companies, either personally or by mailing the same to the stockholders in a sealed, post-paid

envelope, directed to the stockholder at his post-office address.

§ 4. This act shall take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 268.

AN ACT to amend and reduce into one the charters of the Paris, Georgetown and Frankfort Railroad Company, and to change the name thereof to the Kentucky Midland Railway Company.

Preamble.

WHEREAS, On the twenty-fifth day of February, 1881, the Paris, Georgetown and Frankfort Railroad Company, and the Frankfort, Paris and Big Sandy Railroad Company (the first organized under an act of incorporation approved March 23, 1871, and the second under an act approved March 18, 1871), entered into a contract of consolidation; and whereas, since that time the rights, powers, privileges and franchises of the said consolidated corporations have been exercised in the corporate name of the Paris, Georgetown and Frankfort Railroad Company; and whereas, it is desirable to change the said name, and also that the rights, powers, privileges, franchises and immunities, and the duties and obligations of the said consolidated corporations, shall be more clearly defined; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the company composed of the two corporations, consolidated as aforesaid, shall hereafter and henceforth be known, styled and designated "The Kentucky Midland Railway Company;" and by that name shall sue and be sued, contract and be contracted with, and have, enjoy and enforce all its rights, whether corporate or contract, and do and perform all its lawful obligations, whether to the

State, to individuals, or to corporations, private or municipal.

§ 2. The board of directors of the Kentucky Mid-land Railway Company shall be composed of nine members, one of whom shall be elected by the board to be president of the said company. The directors shall remain in office one year, and until their successors shall be elected and qualified. The election of directors shall be annually made by the stockholders at some convenient point not out of the State of Kentucky, and reasonable notice shall be given. The first election under this amendment shall be held in the city of Frankfort on the second Wednesday in November, 1888. No person shall be qualified to act as director who does not own and hold five shares of capital stock. In the election of directors each stockholder shall have one vote for each share of stock, and the counties which have heretofore subscribed, or such counties, cities and towns as may hereafter subscribe for the stock of said company, shall cast their votes in the election of directors and in all stockholders' meetings through their respective boards of sinking fund commissioners; and the county courts of the counties or precincts and the municipal authorities of the cities and towns so subscribing for stock shall have power, and it is hereby made their duty, to appoint such boards immediately, and without regard to the time when taxes may be levied to pay the interest or principal of their bonds. But in case any county, precinct, city, or town shall exercise any reserved right to annul its subscription, in whole or in part, to the extent the same may be annulled, it shall have the number of its votes reduced. The president and board of directors now in office shall so continue until their successors shall be elected and qualified under this act.

§ 3. The stockholders of the company may provide that the president and three directors shall constitute a quorum for the transaction of such business as they

may deem it expedient to commit to such a quorum. They may also provide for the election of one or more vice-presidents, and, by resolution, define and prescribe the duties of such vice-presidents.

Duties of directors concerning preferred stock.

§ 4. The board of directors may convert into preferred stock any and all capital stock which has been or may be subscribed for as such, and fully paid for in money on or before the first day of November, 1888, not exceeding two hundred shares, or twenty thousand dollars' worth, and provided the said stock shall not be preferred to the common stock of the company in the way of dividends to a greater extent than (\$2.50) two and fifty-one-hundredth dollars per share in any current year in which a dividend or dividends may be earned and declared for distribution; but it shall be preferred to the said common stock to its full face value in the distribution of the assets of the company between the stockholders, whether such distribution shall result from the voluntary or enforced sale of the corporate property.

Directors may issue preferred stock.

§ 5. The board of directors, with the consent of the holders of the majority of all the capital stock of the company, expressed by resolution adopted by such majority at a regular or called meeting of the stockholders, may issue other preferred stock of like character, tenor and effect with that described in the preceding section of this act, and may sell the same upon such terms as they may deem expedient, or they may pledge or hypothecate the same: *Provided, however,* The whole amount of preferred stock issued under the provisions of this and the said preceding section of this act shall not exceed three thousand shares of one hundred dollars each.

Capital stock, shares.

§ 6. The capital stock of the company, which is divided into shares of one hundred dollars each, common and preferred, shall not exceed in the aggregate the sum of (\$1,250,000) one million two hundred and fifty thousand dollars face value, or twelve thousand two hundred and fifty shares, except as follows: It

may be increased above said limit by the conversion of the tax-payers' certificates into stock, and by additional subscriptions for stock by counties, precincts, cities and towns, either or both of said means ; and the stockholders, by resolution adopted at a regular or called meeting, a majority of all the stock, and also a majority of all the stock owned by counties, precincts, cities and towns being voted therefor, may authorize the board of directors to issue and sell other common stock to individuals or private corporations : *Provided*, In no event shall all the capital stock, common and preferred, aggregate more than (\$5,000,000) five million dollars.

§ 7. And where any of said capital stock has been or hereafter may be subscribed for in said company, payable in money, and the board of directors shall have made as many as three calls thereon, and any call made shall remain unpaid for the period of thirty days after it becomes due, the said board of directors shall have the authority, if they shall so elect, to declare the said subscription forfeited, and after ten days advertisement in some newspaper at the place of the principal office of said company, sell the said stock, or so much thereof as may be necessary to pay the unpaid calls on said stock. The purchaser of such stock, at any such sale, shall, by such purchase, assume and be bound for any calls thereafter made on such stock so purchased. And at any such sale it shall be competent for said company to buy in said stock for the amount of such unpaid call or calls, and take other and further subscription therefor.

§ 8. The company may extend its line or lines of road eastwardly to the eastern boundary line of Kentucky, at any point or points between the mouth of the Big Sandy river and the Tennessee State line, over and along any route or routes it may select, and may acquire the right of way over and along the line or lines so selected, not exceeding (100) one hundred feet in width, unless a greater width shall be necessary for

Unpaid stock
forfeited and
sold.

May extend
lines.

the convenient construction and operation of its road, which fact shall be made to appear by the affidavit of its engineer.

§ 9. When the said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of its road or roads, or where the land or material required shall be owned by any person not a resident of the county, or a *feme covert*, infant, or *non compos mentis*, it may proceed to have the same condemned for its uses in accordance with the general laws of this Commonwealth. The right of way is hereby granted to said railroad company to construct and operate its said line of railroad through the tract of land belonging to the State of Kentucky upon which has been erected the Colored Normal School, anywhere between the old incline of the Lexington and Frankfort Railroad and the northern boundary of said tract. And the authority is hereby conferred upon the municipal authorities of any and all cities and towns through which said railway company may desire to construct their said line of railroad, to grant to said company the right of way through any streets, alleys and public ways in said cities or towns, and through any ground belonging to such cities or towns, for the purpose of constructing and operating said line of railroad.

§ 10. The said company shall have and enjoy all the powers, privileges, franchises, and immunities conferred by that one of its said charters, entitled "An act to incorporate the Frankfort, Paris and Big Sandy Railroad Company," approved March 18, 1871, as the same is amended, modified, and changed by this act; and shall have and enjoy no other privileges, powers, franchises, or immunities than such as are conferred by the said act so amended and by this act: *Provided*,

1st. In all cases where county, city, precinct, or town subscriptions for stock are solicited, it shall be discretionary with the county or municipal authori-

Condemnation of material.

Right of way.

May enjoy franchises F., P. & B. S. R. R.

Subscription to stock may be submitted to vote

ties to submit the proposition or to refuse to submit the same ; and no sum shall be subscribed for as stock in the said company by any of the following counties : Martin, Pike, Floyd, Knott, Letcher, Perry, Harlan, Leslie, or Clay, except such sum as may be necessary to pay for the right of way ; and no bonds shall be issued by either of said counties until the road shall be completed through the same, or to such points as may be designated in the proposition submitted to the voters by the county court.

2d. No proposition for a subscription for stock sha be voted upon in less than (20) twenty days after the order therefor shall be made.

3d. No county or precinct shall subscribe for stock except such as are upon the line of the road or a branch thereof, and no city or town unless the road or a branch thereof shall run to or within two miles of the corporate limits of the same.

4th. County, precinct and municipal subscriptions must provide for the performance of the conditions upon which they are to be paid, within the period of four years from the day upon which they shall be made, and no municipality shall have the power to guarantee the payment of the principal or interest of the bonds of the company in a sum greater than five hundred thousand dollars.

5th. The company shall have no power or authority to purchase the corporate franchises or rights of an-
May not purchase franchises of other rail-roads.
 other railroad company, or to sell to another its own corporate franchises or rights.

6th. The property of the company shall be assessed
Property, how assessed.
 for taxation under the general laws of the Commonwealth, and shall enjoy no immunity from taxation except such as is provided by the said general laws, or may hereafter be provided by law.

7th. Said company shall, within five (5) years from and after the first day of May, 1888, construct and put in operation one hundred miles of road.

8th. The performance of the corporate or contract

obligations of the company, including the foreclosure of any mortgage or deed of trust it may execute or deliver, may be enforced by any court having jurisdiction of the subject-matter of the litigation and of the parties thereto.

§ 11. This act shall not in any way, or to any extent, change, modify, enlarge or abridge any lawful right, contract or corporate, acquired, or any lawful obligation, contract or corporate, incurred by said company whilst transacting business in the name of "The Paris, Georgetown and Frankfort Railroad Company," whether with subscribers for capital stock or other persons. But all such rights and obligations shall be enforced and performed in the name of "The Kentucky Midland Railway Company."

§ 12. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 269.

AN ACT to authorize the extension of the Powell's Valley Railroad from the Kentucky and Virginia State line into Bell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Extend line.

Connect with
other lines.

§ 1. That it shall be lawful for, and right and authority are hereby granted to, the Powell's Valley Railroad Company, a corporation chartered under the laws of the State of Tennessee, its successors and assigns, to extend its line of railway from the Kentucky and Virginia State line, where said railway now touches, or is projected to touch the same, at or near Cumberland Gap, into the county of Bell, in this State, to such distance and extent as may be necessary to suitably effect a junction of the main line of said Powell's Valley Railroad Company with the existing or projected railway known as the Cumberland Valley Branch of the

Louisville and Nashville Railroad, at or near the said Cumberland Gap; and also to construct and operate such branch or spur lines as may be necessary to reach the certain mineral lands lying within a radius of ten miles of the said Cumberland Gap, owned or controlled by the Kentucky Development and Improvement Company, a corporation organized and existing under the laws of this Commonwealth: *Provided*, That the main line of said Powell's Valley Railroad Company, to be extended into Bell county, shall be located and the work thereon begun within one year from the passage of this act, and that the work thereon shall be completed within four years from the passage of this act. Extend main line.

§ 2. The said Powell's Valley Railroad Company, in the construction and operation of its main and spur lines in this state, within the limits defined by section 1 of this act, shall possess all the rights, powers and privileges, and be subject to all the restrictions of the general railroad laws of this Commonwealth, so far as the same may be applicable or appropriate to a corporation chartered by another State; and may further acquire the right of way necessary for said main and spur lines, as well as the land necessary for stations, side-tracks, bridges, culverts, tunnels or other structures required in building and operating the same; and may take and use any earth, sand, gravel, rock, stone, lumber or other materials necessary in the construction and maintenance of the said main and spur lines. When said corporation shall be unable to contract with the owner of any land or material necessary for its use for the purchase thereof, it shall have the right to condemn the same by any proceedings given railroad corporations generally by the law of this Commonwealth. Powers and privileges.

§ 3. Said Powell's Valley Railroad Company shall have the right to issue and sell its bonds and secure the payment of such bonds, principal and interest, by mortgage or pledge of its franchise and railroad or Issue and sell bonds.

other property, or any or all of them, and to guarantee, or become joint obligors of, the mortgage bonds of any other railway or other corporation.

§ 4. This act shall take effect from and after its passage.

Approved February 21, 1888.

CHAPTER 270.

AN ACT to incorporate the Louisville, Hardinsburg and Western Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators.

§ 1. That L. Green, W. J. Dean, Jr., B. F. Beard, N. McC. Mercer, Ed. Bennett, R. M. Jolly, and John Johnson, their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville, Hardinsburg and Western Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and to do any and every other thing necessary, proper and convenient to be done to carry out or facilitate the execution or operation of the purposes of this corporation as completely as a natural person might do.

Capital stock.

§ 2. The capital stock of said company may be any amount not exceeding twenty-five thousand dollars (\$25,000) per mile for each mile of railroad which said company shall build or own in this State, to be divided into shares of one hundred dollars (\$100) each; and individuals, railroad companies and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company.

§ 3. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may organize this corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon and designate, and from their own number, or from such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend and repeal the same at will.

§ 4. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding election of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for transaction of business. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provisions shall be made in the by-laws for annual meetings of the stockholders and such called meetings as may be necessary.

§ 5. It shall be lawful for the president and directors of said company to open stock books for subscription to the capital stock at such time and place, and

continue them open such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner, and at such place, as may be ordered and provided by the board of directors of said company.

Object of incorporation.

§ 6. The said Louisville, Hardinsburg and Western Railway Company shall be, and is hereby, authorized and empowered to locate, construct, maintain and operate, with such number of tracks and telegraph lines as said corporation may desire, a line of railroad, on a strip of land not exceeding one hundred feet in width, from any point on the line of the Louisville, St. Louis & Texas Railway, in Breckinridge county, Kentucky, passing through or near Hardinsburg, Kentucky, and thence to such point in western or south-western Kentucky, in Breckinridge or Ohio counties, as said company may elect to build said road, together with all side-tracks, switches, turn-outs, engine-houses, depots and other buildings or structures whatsoever, and all rolling stock, engines and cars, machinery and other things that said corporation may deem necessary or proper for the prosecution of its business, and to acquire and hold all additional lands necessary and proper for their structure and operation.

Donations.

§ 7. The company may receive, by donation, purchase, or otherwise, all lands necessary or proper for its road-bed, side-tracks, depots, and warehouses and other legitimate purposes, and also all materials necessary or proper for the construction and maintenance of the railroad and its appurtenances. If such lands or material can not be procured through voluntary agreement of the owners thereof, said company may have the same condemned and pay therefor in the manner now provided by law.

Connecting railroads.

§ 8. The said company shall have power to purchase and hold any connecting railroads in this State or else-

where, and may subscribe stock to any such railroad company in or out of this State; and may consolidate said company with any other railroad company in or out of this State, upon such conditions as may be agreed upon, and may lease and operate any railroad connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting, or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection by lease or otherwise; said company may also sell the said railroad and franchises appertaining thereto, or lease the same, and may build branches from said road or branches from said branches.

§ 9. That any county through which the Louisville, Hardinsburg and Western Railway, or any branch or branches of the same, may be constructed or propose to be constructed, and any cities, towns, or magisterial precinct or precincts of said counties, may subscribe to the capital stock of the said railway company as herein provided, and may pay therefor in the negotiable coupon bonds of said counties, cities, towns, or magisterial precinct or precincts, payable not more than thirty (30) years after date, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and which bonds and interest shall be payable at a place designated therein.

§ 10. Whenever application shall be made to the county judge with reference to counties or parts of counties, or to the city council in reference to cities, or town trustees in reference to towns, by said railway company, requesting that the question of subscribing to the capital stock of said railway company, upon the terms and conditions set forth in said application, be submitted to a vote of the legal voters of such county, part of county, city or town, the county judge, when directed so to do by a majority of a county court composed of the justices of the peace in commission,

Counties subscribe to capital stock.

Vote of town on subscription.

Notice of election.

living within the bounds of the territory in each county to which the question of taxation shall be submitted, it being in the discretion of said justices of the peace to so submit or not; and the city council or town trustees to whom said application is addressed may, in their discretion, order an election to be held in such county, part of county, city or town, as the case may be, on a day named in the order (not later than fifty days after the making of said order), to ascertain the sense of the legal voters in the territory to be affected upon the question of making such subscription, and to cause notice thereof to be published in such county in a newspaper published therein not less than thirty days, and to be posted at the court-house door in such county and at such other public places therein as may be directed by said order; and at such election votes shall be received (for the railway subscription and against the railway subscription). Officers of such election shall, when the territory to be affected is a county or magisterial precinct or precincts therein, be appointed and hold such election, and make return thereof to the county judge thereof in the manner provided in ordinary county elections; and when the territory to be affected is a city or town, in the manner provided for officers of elections in cases of city or town elections.

Enter order of subscription.

Execute negotiable coupon bonds.

§ 11. As soon as may be thereafter, it shall be ascertained by the tribunal appointed by law, if a majority of the legal votes cast at such election were in favor of such subscription, and if they were, the county judge, city council, or town trustees, as the case may be, shall thereupon enter an order, subscribing in behalf of the territory affected to the capital stock of said railway company; and said county judge, city council, or town trustees, as the case may be, shall, when trains shall pass over said road through the territory for which the same shall be issued, execute for and on behalf of the territory affected the negotiable coupon bonds of such county, city or town,

which, in case of the county or part of county, shall be signed by the county judge and attested by the county court clerk, with his official seal affixed thereto; and which, in case of a city, shall be signed by the mayor, who shall affix the corporate seal of the city thereto; and which, in case of a town, shall be signed by the president of the board of trustees, who shall affix the corporate seal of the town thereto.

§ 12. Whenever any magisterial precinct or pre-<sup>Magisterial pre-
cinct subscribe
to capital stock.</sup> cincts in any county shall subscribe to the stock of said company, under the provisions of this act, it shall be the duty of the county judge and clerk of such county to sign, execute, issue, or deliver the bonds of such precinct or precincts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the precinct or precincts for which they are issued, and such precinct or precincts shall be alone bound to pay said bonds and their interest.

§ 13. When the bonds of the territory affected shall ^{Bonds issued.} be issued and delivered as herein directed, it shall receive certificates for the stock subscribed, and such bonds shall be deposited with some trust company to be held in escrow and delivered to the railway company, when it shall become entitled to the same by complying with the terms upon which the vote was taken.

§ 14. An annual tax sufficient to pay the semi-^{Annual tax.} annual installments of interest on such bonds, and the principal when it shall become due, shall be collected and paid out by the officers of such county, city or town, as provided in the case of other county, city, or town taxes.

§ 15. The Louisville, Hardinsburg and Western <sup>Raise means for
construction.</sup> Railway Company, in order to raise means for the construction, equipment and operation of its railroad, may issue and sell bonds of said company, of the denomination of one thousand dollars each, to an

amount not exceeding twenty-five thousand dollars (\$25,000) per mile for each mile of railroad which said company may build, contract to build, or own in this State, bearing not exceeding six (6) per cent. per annum interest, payable semi-annually, with coupons attached, to be made payable as said company may direct, not exceeding fifty years from their date of issue, and secure the payment of the principal and interest thereof by a mortgage or deed of trust conveying said railroad and other property and franchises of said corporation to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustee, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

Contracts.

§ 16. The directors of said company may make contracts with any corporation, company, individual or individuals, for constructing and equipping said railroad and branches, or any part thereof, and pay for the same, wholly or partially, in the stock, bonds or other property of said company, in such manner and upon such conditions as may be deemed for the best interest of said company.

Donate or lease
same.

§ 17. That it shall be lawful for the corporate authorities of any incorporated city or town through which said railroad, or any of its branches, shall be located, to donate or lease to said railway company, as right of way, the right to lay a single or double track through said city or town, or any portion of the same, on any street or highway that the said railway company shall select for that purpose.

Power of board
of directors.

§ 18. The board of directors of said company shall have the power to establish such rates of toll for the conveyance of persons and property on their said railroad and branches, not exceeding the rates charged by other railroads in this State, or which may be established by general law regulating charges for freight and passage on railroads in this Commonwealth.

§ 19. *Provided*, The provisions of this act shall not Limitation. apply to the magisterial district of Bewleyville, Cloverport, Union Star, or Hudsonville, in the county of Breckinridge, nor to any city or town embraced therein, nor shall its provisions apply to that portion of the forks of Rough or McDaniel's magisterial district, in Breckinridge county, included within the following boundary, to wit: Beginning at the mouth of the north fork of Rough creek; thence up the same to the mouth of Calamese creek; thence up said creek to the line between Hudsonville and McDaniel's voting precincts; thence with said line to the south fork of Rough creek to the beginning. The provisions herein in reference to the Union Star magisterial district shall apply to the territory embraced in the lines of said district as established by commissioners Watkins, Richardson, and so forth, in originally laying off said district. The county of Daviess shall be, and is hereby, exempted from the provisions of this act.

§ 20. Said company shall make a preliminary survey within one year from the approval of this act, and shall commence work of construction within two years from said date, and shall complete said road at a rate of not less than ten miles per year until wholly completed; and a failure in any of these respects shall operate as a forfeiture of the rights and franchises hereby granted on the uncompleted portion of the road.

§ 21. This act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 271.

AN ACT for the benefit of John W. Coffey, sheriff of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Coffey, sheriff of Russell county, shall have further time until the third Monday in February, 1888, in which to make his revenue bond as sheriff of Russell county.

§ 2. If his official bond as sheriff of said county is in any way defective or invalid, he shall have until the third Monday of March, 1888, to make the same good under existing laws.

§ 3. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 272.

AN ACT to incorporate the Louisville Public Warehouse Company.

That whereas, heretofore, to wit, on the thirty-first day of December, 1884, by articles recorded in the Jefferson county court clerk's office, a corporation was formed in accordance with chapter 56 of the General Statutes, under the corporate name of the "Louisville Public Warehouse Company;" and whereas, it is desired by said corporation and its members that said corporation shall receive a charter from the General Assembly of the Commonwealth of Kentucky; now, the following charter is granted to said corporation and its members in lieu of said articles of the incorporation:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Louisville Public Warehouse Company, Incorporated. as heretofore incorporated, is hereby continued in

existence, as now organized, as a body-politic or corporate, with perpetual succession, and with power to sue and be sued; to have a corporate seal, and alter the same at pleasure; to make contracts, to acquire, hold, sell, mortgage, lease, transfer and otherwise dispose of its property; to establish by-laws, and to make rules and regulations for the management of its affairs not inconsistent with the laws of this State and the United States.

§ 2. The principal place of business of said corporation shall be Louisville, Kentucky; and it shall have power to erect, purchase, lease, sell and maintain warehouses and yards for storage of articles of all kinds, or to let portions of same, and to assume control of property on the premises of others, and to issue warehouse receipts therefor, under the laws of this Commonwealth in reference to warehousemen and warehouse receipts. Said corporation, so far as it affects the objects and purposes of the corporation liberally interpreted, shall have all the powers of a natural person. All officers and servants of said corporation shall be amenable to the penalties prescribed by the laws of this Commonwealth in reference to warehousemen and warehouse receipts.

§ 3. The capital stock of the said corporation shall remain at one hundred thousand dollars, in shares of twenty-five dollars each, until, by a vote of two-thirds of the stock, it be increased; but the stock may be, by such vote of the stockholders, increased to an amount not greater than three hundred thousand dollars. The stock of said company shall be personal estate, and for all debts and demands owing or contracted by any stockholder to the company for stock or otherwise, said corporation shall have a lien on his stock.

§ 4. The stockholders shall be entitled to one vote for each share of stock, and may cast such vote in person or by proxy, but the authority must be in writing. A majority of the stock must be represented

to constitute a quorum for the transaction of business at a stockholders' meeting. The issuing of certificates of stock, and the transfer of the same, shall be entered on the books of the corporation kept for that purpose, and all certificates of stock must bear the name of the president and secretary.

Elect board of
directors.

§ 5. The stockholders shall annually elect, on the first Monday after the first day of January, a board of seven directors (unless the number shall be reduced or increased by resolution of the stockholders), which board shall regulate and govern the affairs of the corporation, and who shall hold office until their successors shall be elected and qualify by assuming the duties of directors. A majority of the votes represented and cast in the stockholders' meeting shall be necessary to the election of directors, and the votes may be cast *viva voce* or by ballot, as the meeting may determine. The president or any two directors may at any time call meetings of the stockholders, whenever thereto requested by the holders of one-fourth of the stock; and said meetings, when so called, may transact any business brought before them. The directors may fill all vacancies occurring in the board.

Powers of di-
rectors.

§ 6. The directors shall have all the powers in the management and direction of the affairs of the corporation which the corporation itself has. They shall, from their number, elect a president, and may elect a vice-president, and may appoint a secretary, treasurer, manager, and such other officers and servants as they may deem proper. Said directors may, from their number, appoint an executive committee, which, between the sittings of the board, shall have all the powers of the board. The board shall have power to fix the salaries of the various officers, which may, from time to time, be increased or diminished by said board. Said board may also regulate and fix the term of office for all officers, agents or servants of the company, and may remove the same at any time by a vote of the majority of the entire board.

§ 7. Said corporation may, in such manner as shall Loan money. be prescribed by its by-laws or by rule of the board, obligate itself as drawer, acceptor or indorser of any of the paper or warehouse receipts of its customers, and may loan money on such securities as may be acceptable to it, and shall have power to dispose of such securities as may be agreed upon between it and the pledgors of such securities; and such sale or disposition, whether private or public, shall be as effectual as if the corporation was the owner of such securities.

§ 8. The powers heretofore granted to said corpora- Privilege granted by Louisville. tion by the city of Louisville to pass over, through and across certain streets and alleys of said city are hereby ratified, and said grant is hereby validated, and made as effectual as if express legislative authority existed for said grant at the time it was made.

§ 9. This act shall take effect and be enforced from and after its passage.

Approved February 24, 1888.

CHAPTER 273.

AN ACT for the benefit of J. H. Wills.

WHEREAS, At the last session of the General Assembly of the Commonwealth of Kentucky, an act, entitled "An act for the benefit of J. H. Wills," was passed by both houses and was enrolled, which act, being misplaced or overlooked, was not signed by the Governor; and whereas, the Legislature having adjourned before the constitutional limit of ten days had expired, said act did not become a law; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is authorized, and he is hereby directed, to draw his warrant on the Treasurer in favor of J. H. Wills, of Breckinridge county, for the sum of one hundred dollars for expenses incurred

by him in pursuit, arrest and return to jail of W. P. Brashear, charged with and convicted of the murder of James Priddy, in Hart county.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without the signature of the Governor February 24, 1888.]

CHAPTER 274.

AN ACT to incorporate the Paducah and Illinois Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Charles Reed, Sam Houston, Sam'l R. Bullock, J. M. Bigger, E. F. Fuller, J. R. Puryear, H. Mulholland, Jr., and Henry H. Houston, and their associates and successors, are hereby constituted and declared a body-corporate and politic, with perpetual succession, under the name of the "Paducah and Illinois Bridge Company," and by that name may sue and be sued, contract and be contracted with, and with all other powers, rights and privileges incident to corporations.

§ 2. The Paducah and Illinois Bridge Company is hereby authorized and empowered to locate, build, construct, operate and maintain, under the laws of the United States, a bridge across the Ohio river for railway, wagon, street railway or other purposes, with as many tracks as shall be determined by the board of directors, between the city of Paducah, in the State of Kentucky, and the State of Illinois, from any point in the limits of the city of Paducah, or within five miles thereof, if desired, to any point across the river on the Illinois shore; and said company is hereby granted and clothed with all the powers, privileges, rights and franchises necessary for carrying out the purposes named herein, and is empowered to purchase, lease, condemn and hold all real estate which

may be necessary for the purposes of said corporation, whether for piers, approaches, tracks, toll-houses, or other structures, or approaches leading to same, and shall have all right and power for condemnation of property, under the act of the General Assembly of the Commonwealth of Kentucky of April 11, 1882, as may be necessary and requisite to secure the purposes of this act; and whenever said company shall desire to condemn any property for the purposes named in this act, within the county of McCracken, the same may be done under the act of April 11, 1882, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," with the amendments thereto or acts passed in lieu thereof.

§ 3. The said corporation shall have power to lay down and maintain on said bridge as many tracks for railroad cars, or street-cars, or for wagons, or other vehicles, and all animals, as it may think proper, and to erect foot-ways for passengers, and to charge for the use thereof reasonable tolls; and for said purpose may erect on either side, or both sides of said bridge, toll-gates, and may do all other acts or things necessary for collecting the charges for the use of said bridge; and may also run any line of railways through the city of Paducah, upon such terms as may be prescribed by ordinances of said city of Paducah, or in like manner along any street or alley to connect with any railway bridge, transfer company, or depot, and shall have the right to operate or lease said connecting line or lines, and may charge a reasonable compensation for the use of the same.

Powers, etc.,
continued.

§ 4. The capital stock of said company shall be three millions dollars (\$3,000,000), or any less sum which the directors may fix, and divided into shares of one hundred dollars (\$100) each, and may be made payable at such times and places, and in such manner, as the board of directors of said company may require.

Capital stock.

Shares.

§ 5. Said company is empowered and authorized to borrow any money for the purposes named in this act, and to pledge its property and franchises to secure the payment of the same; and to issue in any amount its bonds, not exceeding three millions (\$3,000,000) of dollars, or such less sum as the directors of said company may determine, and secure the same by mortgage or mortgages upon all its property and franchises, of every description; and said bonds may bear any rate of interest not exceeding six (6) per centum per annum, run any time, and be made payable at any place the board of directors of said company may deem proper, and be sold or disposed of as said board may direct.

§ 6. The affairs of said company shall be under the control and management of a board of directors, composed of not less than five nor more than eleven stockholders, chosen at an annual meeting, to be held on the first Monday in January of each year, after the first election, unless otherwise directed by the board, in the city of Paducah, who shall hold office until their successors are elected and qualified; and in case of vacancy, said board shall fill the same until the next meeting of the stockholders. Said directors, from among their number, shall choose a president, vice-president, secretary and treasurer, and may elect or appoint any other officers, agents or employes they deem requisite for the proper management of the business of the company, and prescribe their duties, and require and accept bonds for the faithful performance of the same; and make all by-laws and regulations for government of said company and its officers and employes, not inconsistent with the laws of this State or of the United States. There shall also be elected an executive committee, composed of the president and two directors, chosen by the directors from among their number, who shall possess all the powers of the board of directors of said company when not in session. Said executive committee shall

be elected, and hold office for such time as may be fixed by the by-laws of said company.

§ 7. Said company may contract with any railroad Contract with railroad for use of bridge. or other corporation, company or person, in or out of this State, for the use of said bridge by its cars, locomotives, or other property, or for other purposes or uses; and any railroad or street railway corporation, or person, or municipal or other corporation in or out of this State, may subscribe for and hold the capital stock of this company upon any terms and conditions agreed upon, and may make such contracts or agreements as may be deemed expedient for the management or control of said bridge; and said company How taxed. shall be taxed as railroad companies in this State are now taxed by law, and the money, assets and property of this company shall be exempt from taxation from Exempt from taxes five years. the organization of said company until five years from the time of the completion of the said bridge across the Ohio river, as authorized by this act.

§ 8. The incorporators named herein, or any three Open books. of them, may meet at any place in the city of Paducah, and open books for subscription for stock of said company, and when five hundred shares of the capital stock shall have been subscribed for, the subscribers, upon five days' notice of the time and place of meeting, published in some Paducah newspaper, shall meet and elect a board of directors, and said company Organize. shall then be entitled to commence business. Each shareholder shall be entitled to one vote for each Votes. share of the capital stock which he may hold, and shall be entitled to vote the same in person or by proxy. The directors of said company shall have Directors may sell unsubscribed stock. the power to sell or otherwise dispose of the unsubscribed stock of said company in such manner and on such terms as they may think proper to insure the completion of the bridge. Said company shall, in Shall commence work of construction within two years. good faith, commence the work of construction of said bridge within two years, and fully complete the same within five years from the date of the passage of this act.

§ 9. That "An act to incorporate the Paducah and Illinois Bridge Company," approved March 5, 1868, and "An act to incorporate the Paducah and Illinois Bridge Company," approved April 26, 1880, and amendments thereto, and all acts or parts of acts inconsistent with this act, are hereby repealed.

§ 10. This act shall take effect from its passage.

[Became a law without approval of Governor February 24, 1888.]

CHAPTER 275.

AN ACT to amend the charter of the Winchester and Lexington Telephone Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate name of the Winchester and Lexington Telephone Company is hereby changed to that of the Kentucky Telephone Company, and by that name shall have and enjoy, exercise and be invested with, all the franchises, rights, and powers, and subject to all the restrictions and burdens conferred and imposed upon the Winchester and Lexington Telephone Company, by the act to which this is an amendment; and said corporation, the Kentucky Telephone Company, is hereby empowered to extend its lines and business in and through all the streets and alleys of all the counties, cities, and towns of this Commonwealth, subject, however, to the reasonable regulations and consent of the constituted authorities of such cities, towns, and counties; and said corporation is so authorized to conduct and continue its business for thirty years, with the same privileges, powers, and franchises as now enjoyed by law by the Winchester and Lexington Telephone Company.

§ 2. Said company shall have the power to purchase, construct, maintain and operate, within this State and

Corporate name.

Powers, franchises and objects.

May construct and operate line.

elsewhere, telephone lines, exchanges and systems, and to conduct all the business incident and pertaining thereto; and may purchase or acquire and dispose of real estate, machinery, apparatus, poles, wire, patents or interests therein, licenses, rights and franchises relating to such business, or to be used by said company therefor; and the said company may manufacture, buy, sell or lease any machinery, devices, patents or interests therein, licenses and supplies.

Acquire real estate.

§ 3. The said company may construct, equip and maintain said telephone systems and exchanges, and erect poles and string wires thereon, and operate its telephone lines over, along or under any highway, street or alley, in any city or town in this State, with and by the consent of the authorities of said city or town; and it may purchase or lease from any corporation created under the laws of this Commonwealth, on such terms as may be agreed on, any telephone system or exchange, its poles, wires, apparatus, contracts, licenses, patents or interests therein, equipments, rights of way, easements and servitudes, in the highways, streets or alleys in any city or town: *Provided, however,* That such telephone poles, lines and systems have heretofore been granted the right of way or easements in the highways, streets and alleys of any city or town; and the said company may also construct, equip and maintain telephone lines along, over or under the highways, streets or alleys, and across any water-course within this Commonwealth, so as not to obstruct the same; and said company may connect its lines with those of any other company on such terms as may be agreed on.

§ 4. The said company is authorized to borrow money, and may issue and sell its negotiable coupon bonds, not exceeding the capital stock in existence at the time of issuing such bonds, payable at such times and places, and bearing such rate of interest, not exceeding six per cent. per annum, payable semi-annu-

May borrow money and issue bonds.

Mortgage. ally, as may by said company be determined; and may secure the payment of same by mortgage or deed or trust on all the property of the company, real, personal or mixed, and on any or all of its patents, licenses, franchises, easements, rights of way, privileges, rents, poles and apparatus, with such terms and conditions as may be expressed therein.

Principal office. § 5. The principal office of said company shall be in Lexington, or any other place in this State selected
Directors. by the board of directors, which board shall consist of not less than three (3) or more than nine (9) members, to be elected by the stockholders once in every year, as may be prescribed in the by-laws; and said directors shall hold their offices until their successors are
Officers. elected and qualified; and the directors may elect a president, vice-president, a secretary and treasurer and general manager, and may appoint such other
Agents. officers and agents as they may deem necessary, and may subscribe their duties and compensation, and require of them bond, with security thereon, for the faithful performance of their duties, and remove them
Fill vacancies. and appoint others at pleasure; may fill vacancies that may occur in the board; may make by-laws for the government of the company, alter, amend or abolish the same. At any meeting of said subscribers or stockholders of said company, each person shall be entitled to one vote for each share of stock standing in his name on the books of the company, and may cast his vote in person or by proxy.

Consolidate. § 6. This corporation may consolidate and unite with any other telephone or telegraph company upon such terms as may be mutually agreed upon, and the consolidated corporations may continue to do business under the name herein given, or that of the company uniting with it; and the consolidated corporation or corporations shall under such name be invested with, have and enjoy all the rights, powers and franchises heretofore given and granted to this corporation under the act to which this is an amendment, the

same to use, exercise and enjoy, in and throughout the additional territory through and into which its lines and business may be extended, as fully as within the territory in and which it was heretofore authorized to operate, and shall be liable to the same burdens and obligations.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 276.

AN ACT for the benefit of the trustees of the Presbyterian Burying-Ground of Lexington.

WHEREAS, The burying-ground situated on north Limestone street, in the city of Lexington and county of Fayette, and bounded by Limestone street on the east, by Sixth street on the north, by Upper street on the west, and by Fifth street on the south, and known as the "Old Presbyterian Burying-Ground," has long since ceased to be used for the purpose for which it was originally set apart and intended, no burials having been made therein for some time, and a great number of those buried therein having been exhumed and removed; and whereas, the same has fallen into decay, and the trustees thereof have been threatened with indictment by the grand jury of Fayette county as a public nuisance, and the funds provided for the maintenance having become inadequate, and the trustees having no sufficient means to put and keep the same in a proper condition,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The trustees of the said "Presbyterian Burying-Ground" be, and they hereby are, authorized and empowered to procure suitable lots in the cemeteries of Lexington for white and colored people respect-

ively, and to remove thereto the remains of such persons as may still be buried in said burying ground, together with such marks and grave-stones, if any, as now exist.

§ 2. When such removal shall have been completely effected, the said burying-ground shall, from that time forth, cease to be a burying-ground, and the trustees thereof may proceed to make such use thereof as shall not be contrary to the terms of their trust, and for the best interest of the churches for whose benefit and behoof the said trust was created.

§ 3. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 277.

AN ACT to incorporate the Bowling Green Land and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. S. Ragland, N. A. Porter, Jas. D. Hines, I. D. McGoodwin, E. Nahm, C. U. McElroy, J. M. Holman, John E. Du Bose, H. C. Hines, John F. Dunavan, C. G. Smallhouse, T. J. Smith, and A. J. Claypool, and their successors, associates and assignees, who shall hereafter become stockholders in the company hereby incorporated, shall be a body-politic and corporate, by the name of the Bowling Green Land and Improvement Company, and by that name have perpetual succession; may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the same, by a vote of two-thirds of the stockholders,

at any annual or special meeting, to any sum not exceeding two hundred thousand dollars; and the incorporators, or a majority of them, named in the first section of this act, shall have the power to open the books and receive subscriptions of stock at such time and place as they may deem expedient; and when not less than five thousand dollars in stock shall be subscribed, the share-holders may elect a board of not less than five nor more than ten directors, who shall serve until their successors are duly elected and qualified.

Open books.

Directors.

§ 3. The annual meeting of the stockholders shall be held on the second Tuesday of January of each year, at which time they shall elect a board of directors to serve for the ensuing year, and transact such other business as may come before them. The principal office of said company shall be in the city of Bowling Green, Kentucky.

Annual meeting.

Elect directors.

Principal office.

§ 4. The directors shall elect from their number, at the first meeting of the board after their election, and directly after each annual meeting of the stockholders, a president and a vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified, and may appoint a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation; and may require from any of the said officers bond for the faithful discharge of their duty.

Officers.

Compensation of officers.

§ 5. Every stockholder shall be entitled to one vote for each share of stock owned by him, and no person shall be eligible as director who is not a stockholder to the amount of five shares. The board of directors shall make all by-laws necessary for conducting the business of the corporation, and shall have power to require payment of the amount unpaid on the stock of the corporation at such times and in such proportions as they shall deem proper; and shall have

Each share entitled to vote.

By-laws.

power to prescribe in the by-laws how the stock of the company may be transferred from one holder to the other. The company shall have a prior lien upon the stockholders for any indebtedness due by any holder thereof to the company for unpaid stock.

Lien for indebtedness by stockholders.

§ 6. The said company shall have power to buy and sell, and improve and hold real estate; to buy and sell real estate on commission; to act as agent for the sale or lease of any property; to borrow money and execute mortgages upon any property it may own; to make conveyances of any property it may acquire with or without general warranty of title; to examine titles to real estate, and make and sell abstracts thereof.

Buy and sell real estate.

Act as agent to borrow money.

Examine titles.

§ 7. All conveyances of real estate shall be made to and by the company in its corporate name, and the president or vice-president shall sign the corporate name to all papers, and shall acknowledge all conveyances or other instruments required by law to be acknowledged. Such conveyances or papers thus signed and acknowledged shall bind the company. The indebtedness of the company shall not, at any one time, exceed the amount of capital stock subscribed or issued. No stockholder shall be liable for any debt of the company except for the amount of his unpaid subscription to the capital stock of the company.

Conveyances, how made.

Liability of stockholders limited to unpaid subscriptions.

§ 8. The board of directors shall have power to fill all vacancies occurring in their number.

Fill vacancies

§ 9. This act shall take effect and be in force from its passage.

Approved February 24, 1888.

CHAPTER 278.

AN ACT to incorporate the C. C., E. F. and Concord Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a body-corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the "Cabin Creek, East Fork and Concord Turnpike Road Company;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, commencing at the branch road of the Cabin Creek, Sand Hill and Manchester Turnpike Road, near the residence of T. M. Rea; thence via East Fork Cemetery; thence to connect with the Concord and Tollsboro Turnpike, near the residence of Jeremiah Wellman.

§ 3. The capital stock of said company shall not exceed four thousand dollars, to be divided into shares of twenty-five dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act, under the supervision of Cornelius Hughes, Jonathan Truesdell, Samuel Fry, T. M. Rea, D. H. Boyd and F. M. Truesdell, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, to wit: We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the Cabin Creek, East Fork and Concord Turnpike Road Company twenty-five dollars for each share of stock in said company hereby subscribed by us. The num-

ber of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscription shall be made in a book in which said obligation shall be written; but said commissioners, or those acting, or the said company, after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated; and said commissioners, or those acting, or said company, after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, and labor, which shall be valid and binding, and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, and the labor performed on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as five hundred dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock, to be posted in three public places in the neighborhood of the election of the officers of said company, which shall be three directors, one of whom shall be president. The time and place of such election shall be stated in said notice; and after the first election of said officers, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners or of those acting. The president and directors shall each take an oath faithfully to perform

their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company ; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 6. The Lewis county court may subscribe stock to said road company to the amount of one thousand dollars per mile, payable in the bonds of Lewis county, to be delivered to the president of the road company as each mile is let to a responsible contractor, the county judge to decide as to the sufficiency of the contractor's bond ; the road to be built according to the specifications of a competent engineer, who is to be selected jointly by the county judge, county attorney and the board of directory.

§ 7. The said president and directors may appoint a superintendent or agent to superintend the construction of said road and its maintenance afterwards, and gate-keepers, engineers, and such other employes as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and agents, and the affairs of said company, that they may deem necessary, not inconsistent with this act or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as five hundred dollars is subscribed ; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing ; and as soon as two miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State

regulating tolls on turnpikes; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 10. The said company may receive releases of right of way for said road and ground for rock quarries, toll-houses and bridges by consent or purchase; and if they deem it necessary they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpike and plank roads (Revised Statutes, chapter 103), condemn land for right of way over which said road may be located, and ground for toll-gates and toll-houses, rock quarries, and bridges, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law as aforesaid.

§ 11. The said road shall not be less than eighteen feet nor more than twenty-five feet wide. Any person unlawfully obstructing said road shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law.

§ 12. Said company shall prescribe in what installments the private subscriptions of stock shall be paid.

§ 13. The said company shall have the right to branch their road from a point at or near "East Fork Cemetery;" thence the most practicable route to the East Fork branch of the "C. C., Sand Hill and Manchester" road, near the present residence of Mrs. Amanda McKenzie, under the terms and conditions of this charter.

§ 14. This act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 279.

AN ACT to incorporate the North Jellico Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. B. Speed, William E. Grinstead, John Incorporators. P. Byrne, W. N. Culp, A. P. Speed, all of Louisville, Kentucky, and A. Gatliff and Green A. Denham, of Williamsburgh, Kentucky, and their associates, successors and assigns, be, and are hereby, created and constituted a body-corporate and politic, by the name and style of "The North Jellico Coal Company;" and Corporate name. by that name and style shall have perpetual succession, with power to make contracts, to sue and be sued in all courts and places; to own property, both real and personal; to have a common seal, and the same to alter or change at pleasure; to engage in Objects and powers. mining coal, iron ore and other substances; making coke, iron, steel and other metals, or whatever else the company may choose to make or manufacture; erecting and running mills, blast furnaces, manufactures and machinery; putting down and operating wells for oil, gas, salt and other natural products; cutting, sawing and taking the bark off timber, and preparing such articles, materials and substances for market, and transporting and selling them within and without this State; and to do other acts and have other powers needful for the successful prosecution of its business, and the objects and ends of its organization.

§ 2. There shall be an annual meeting of the stock- Annual meeting. holders of the company on the third Tuesday in April of each year, or as soon thereafter as practicable.

§ 3. The officers of said corporation shall consist of Officers. a president, a vice-president, a secretary and treasurer, and a board of not less than three or more than Directors. seven directors, to be elected by the stockholders at their annual meeting, who shall conduct and manage

the business and affairs of said corporation, and who shall hold their offices for one year, or until their successors are elected. The president and vice-president shall be elected from the board of directors ; and the secretary and treasurer may be elected from the stockholders. The board of directors shall have power and authority to hire and employ such agents, servants and persons as they may deem necessary, and fix their duties, wages and compensation ; and said board may require bond and security from any and all officers, agents and servants for the faithful performance of their duties. Said board shall have power to make such by-laws, rules and regulations, as may from time to time be deemed necessary for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

Officers, how elected.

Directors may hire agents, servants, etc.

By-laws.

§ 4. The capital stock of said company shall be two hundred and fifty thousand dollars, in shares of one hundred dollars each, for which, when the stock is paid for, said company shall deliver to the stockholder a certificate signed by the president, countersigned by the secretary, and impressed with the seal of the corporation. One hundred and twenty-five thousand dollars of said capital stock is to be issued as fully paid up and non-assessable to the stockholders of the North Jellico Coal and Coke Company, a corporation created under the General Statute law, upon the conveyance and transfer of the property and assets of that company to the corporation hereby created. The remainder of said stock, and any further issue of stock as hereinafter provided for, is to be set aside, and may be sold for the benefit and use of the corporation in its said business, to be issued as fully paid up and non-assessable at such price, either at or above, or below its par value, on such terms, in such amount or amounts, and at such time or times, as may be prescribed by the board of directors ; and all said stock shall be transferable only upon the books of the

Capital stock.

Shares.

company on the surrender of the old certificates therefor. No stock shall be transferred on the books of the company until any indebtedness of the holder thereof to the company has first been fully satisfied, and this condition shall be shown on the face of each certificate of stock issued. By a majority vote of the stockholders the company may increase its capital stock to an amount not exceeding one million dollars, and may issue bonds to an amount not exceeding one hundred thousand dollars, the rate of interest on said bonds not to exceed six per cent. per annum, and secure the payment thereof by a mortgage on the properties and franchises of the corporation.

Stock, when transferred.

Issue bonds.

Mortgage.

§ 5. Said company may buy, lease, or rent any suitable lands, timber or mineral, mines, mining privileges, rights of way, saw-mills, and other manufacturing machinery, and other property and rights such as they may deem necessary, and may dispose of same, or any portion of same, by sale. They may receive real estate, mining rights, the right to take timber, and rights of way, upon such terms as they may deem advisable.

Buy, etc., lands, etc.

§ 6. Said corporation may construct roads, tramways or railroads, and operate the same from its mines or other works to any other road, railroad, highway or stream, within six miles of its mines or property; and it may make any contract or agreement with any railroad company with which it may connect or be connected, for the use of its railroad, or such parts as may be necessary. And if, for the purpose of constructing its railroads or other roads, it be necessary to pass over the lands of others, and can not agree with such parties as to the amount of damages done, said company may condemn, by writ of *ad quod damnum*, such rights of way as the law provides for rail and turnpike roads; but such roads shall be used to accommodate public travel and traffic.

Construct roads, trainways, etc.

Condemnation of right of way.

Principal office. § 7. The principal place of business of said company shall be at Louisville, Kentucky; and the private property of the stockholders in said corporation shall be exempt from payment or liability for corporate debts.

Approved February 24, 1888.

CHAPTER 280.

AN ACT to amend an act, entitled "An act to confirm the articles of incorporation of Loventhal Academy, and to amend and increase the powers of the same."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the articles of incorporation of the Loventhal Academy, and to amend and increase the powers of the same," approved May 17, 1886, be, and the same is hereby, amended by striking out the words "and name A. S. Loventhal," in the third line of the second section, and inserting "B. W. Minton and his successors;" and the name of the institution is changed from Loventhal Academy to "The Lebanon Academy and Normal School."

§ 2. This act shall take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 281.

AN ACT to amend and reduce into one the several acts in relation to the town of Livermore, in McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporated. § 1. That the town of Livermore, in McLean county, Kentucky, is hereby incorporated, and the corporate

limits thereof are fixed as follows: Beginning at low water-mark on Rough river at the south-west corner of Mrs. Arabella Rowan's land; thence due north, on a straight line, a distance to include seven and a quarter of said blocks or squares, with the streets and alleys; thence west, on a straight line, so as to include ten blocks or squares, with the streets and alleys; thence on a straight line south to Green river; thence up Green river, with its meanders, to its junction with Rough river, and up Rough river, with its meanders, at low water-mark to the beginning.

Corporate limits and boundary.

§ 2. All male inhabitants of the town over the age of twenty-one years, within the limits herein established, not disqualified by law, shall be deemed qualified voters in all municipal elections held in and for said town. The qualifications of said voters, however, in regard to residence, and in all respects, to be governed by the general law on the subject of elections.

Qualified voters.

§ 3. An election shall be held in said town on the first Saturday in May, 1888, for the purpose of electing a police judge, a town marshal, and a board of five trustees. The present trustees shall appoint one judge, a clerk and sheriff, to hold said election.

Election of police judge, marshal and trustees.

§ 4. The police judge shall hold office for the term of four years, and the trustees shall hold office for one year, and the town marshal shall hold office for the term of two years, and they shall each continue in office until their successors or successor shall be elected or appointed. There shall be an election held in said town on the first Saturday in May, annually, from the first Saturday in May, 1888, for the purpose of electing, as their respective terms expire, a town marshal, and a police judge and board of trustees. The clerk of the town elections herein provided for shall keep a poll-book in the same manner and form as provided by law that poll-books shall be kept in county elections, and the poll-books shall be opened and closed on the day of election as is provided for in State elections. The judge, clerk

Police judge, term of office.

When elected.

Clerk hold election.

Polls opened and closed.

Vote counted. and sheriff of election shall count the vote and certify the same to the board of trustees, and shall also certify that an election has been held by them according to law. The trustees shall then count the vote, and deliver certificates of election to the party or parties receiving the highest number of votes. They shall cause said certificates to be recovered. Upon the presentation to the Governor of a certified copy of the certificate of the election of a police judge, signed by the chairman and clerk of the board of trustees, he shall issue a commission to such officer so elected. Upon executing the bond and taking the oaths enjoined by law, before the judge of McLean county court, the person so elected shall be authorized to enter upon the discharge of the duties of said office.

Governor commission police judge.

Police judge.
Jurisdiction.

§ 5. The police judge shall be judge of the police court of Livermore, which court is hereby established. Said court shall have jurisdiction in all civil actions or proceedings for the recovery of money or personal property, if the amount in controversy, exclusive of interest and costs, do not exceed fifty dollars. The said court shall have jurisdiction to hear and try all infractions of the town ordinances, violations of the charter, and all misdemeanors committed within the corporate limits of said town. The judge of said court shall receive the same fees for his services as are allowed to justices of the peace. He shall reside in the town and keep an office therein, and provide a docket and execution book, and such other books as may be necessary for the use of his office.

Residence.

Fines and forfeitures.

How collected and paid.

§ 6. All fines and forfeitures recovered in said police court for breaches of the peace or other misdemeanors, or for violations of the town ordinances, committed within the corporate limits of said town, when collected, shall be paid into the town treasury. The treasurer's receipt shall be taken by the town marshal or other collecting officer for all sums so paid.

§ 7. The marshal elect shall, before entering upon Marshal. the discharge of the duties of his office, execute a bond in the name of the Commonwealth of Kentucky, for the faithful and honest discharge of all the duties imposed on him by virtue of his office, and that he shall well and truly pay to the proper authorities all taxes or revenues from fines or other sources that may come to his hands belonging or payable to the said town of Livermore, as well as to pay to each and every individual all moneys that may come to his hands in any way by virtue of his office, that may be due or payable to said individuals. For any violation of his official duties or breach of his official bond he and his sureties shall be liable, and may be proceeded against by motion or action in McLean circuit or county courts.

§ 8. The trustees elect may enter upon the discharge Trustees. of their official duties as soon after they receive their certificates of election or appointment as the term of their predecessors shall expire or a vacancy occur: *Provided*, They shall be first sworn, by some officer authorized to administer oaths, to well and faithfully, without favor or partiality, discharge the duties of trustees to the best of their ability. At the first meeting of the board of trustees the fact of each one having been duly sworn, and presented his certificate of election, shall be entered on the record before any business is transacted by them, and the same entry shall be made upon the election or appointment of a new member to fill a vacancy.

§ 9. The trustees of the town of Livermore, in addition to the powers and authority granted to the trustees of towns generally by the statutes, shall have power to levy and collect annually an ad valorem tax of not exceeding one dollar upon each one hundred dollars' worth of real and personal property owned or kept within the corporate limits of said town; and also to levy and collect annually a poll or capitation tax of not exceeding three dollars upon and from each Trustees' powers and duties.

male citizen of said town of the age of twenty-one years or over. They may also levy and collect a tax of not exceeding two dollars, annually, upon and from the owner or keeper of each dog or bitch owned or kept within the corporate limits of said town.

§ 10. The trustees shall appoint a suitable person for
 Appoint or. assess- assessor, whose duty it shall be, in the month of March
 in each year, to assess impartially all the property
 Duties. within the limits of the town liable to taxation under
 the provisions of this act; also to make a list of each
 male citizen of said town of the age of twenty-one
 years and over, and to list for taxation, in the name of
 the owner or keeper of each dog or bitch owned or kept
 within the corporate limits of said town, and shall, on
 or before the first day of May in each year, return the
 same to the trustees with his certificate that it con-
 tains a true and fair valuation of all the taxable prop-
 erty in said town. Should any property be omitted
 from said assessment by the assessor, the trustees are
 empowered to list the same for taxation at a fair val-
 uation. Should any person feel aggrieved by the val-
 uation fixed by the assessor on any property, such person
 may, upon reasonable notice to the assessor, appear
 before the board of trustees. The trustees are em-
 Trustees may hear complaints and modify or confirm assess-
 ment. powered to hear and determine any complaint so
 made, and may change the assessment made by the
 assessor by decreasing or increasing the same to a fair
 valuation. The said assessor shall be appointed an-
 nually, and shall be paid a reasonable compensation
 for his services, to be allowed by the board of trustees.

§ 11. The board of trustees shall appoint a treasurer,
 Treasurer. who shall hold his office for a period of four years. It
 Duties. shall be the duty of the treasurer to receive and safely
 keep all the moneys that may come to his hands by
 virtue of his office, and to pay the same out on the
 order of the trustees, and to account truly and faith-
 fully to his successor in office, and pay over to him
 any balance that may be in his hands at the expira-
 Semi-annual statement. tion of his term. He shall also make out a semi-

annual statement on the first days of January and July of each year, in writing, to the trustees, of all moneys received by him and of all sums paid out by him, with the vouchers on which he paid the same. A copy of the said treasurer's report shall be posted up in a public place, at or near where the post-office is kept, in the town of Livermore, and the original shall be recorded and kept by the board of trustees. Before the treasurer shall enter upon the discharge of his duties, he shall execute a bond to the Commonwealth of Kentucky, with good and sufficient surety, to be approved by the trustees, that he shall faithfully discharge all of his official duties, and that he shall pay all moneys that come to his hands belonging to the town as the trustees may direct by their appropriate orders, and not otherwise. The treasurer shall keep a cash-book, in which he shall charge himself with all sums received by him, showing from what source received, and credit himself by all sums paid out by him, with a reference to the voucher by its number on which it was paid. Said book shall be furnished by, and shall belong to, the town, and shall always be open to inspection by the trustees, and shall be turned over by the treasurer to his successor in office. The treasurer shall be allowed a reasonable compensation for his services by the board of trustees, not exceeding ten per centum of the amount received and paid out by him. For any violation of his official bond, the treasurer and his sureties may be proceeded against by motive or action in McLean circuit or quarterly court.

§ 12. The marshal of the town of Livermore shall be collector of the taxes levied by the trustees of said town, and shall have power to distrain therefor. He shall collect said taxes, and pay the same to the town treasurer. He shall settle his accounts with the board of trustees whenever required by the board so to do. The said marshal shall have the same authority and powers in McLean county as a constable, and re-

ceive same fees for all similar services performed by him, and shall act as the special bailiff of Livermore police court, and shall execute all the mandates of the board of trustees to him directed. The trustees shall allow him a reasonable compensation for his services in collecting the town taxes, not exceeding ten per centum thereof.

Vacancies in
trustees filled.

§ 13. If from any cause a vacancy shall occur in the board of trustees of more than two members at any one time, the judge of McLean county court may appoint one or more persons to fill said vacancy, but in any vacancy of less than three, the remaining trustees shall fill said vacancy or vacancies by appointment.

Vacancy police
judge filled.

§ 14. If from any cause a vacancy shall occur in the office of police judge before three years of his term shall have expired, the trustees shall order an election to fill the vacancy, and cause ten days' prior notice thereof to be posted in at least three public places in the town. If three years of his term shall have expired when the vacancy occurs, the trustees shall appoint a suitable person to fill the unexpired term, and certify the appointment to the Governor, who shall issue a commission to the person so appointed for the unexpired term. The person so appointed shall, in all other respects, before entering upon the discharge of his duties, comply with the law required of persons elected.

Vacancy in of-
fice of marshal
filled.

§ 15. If a vacancy occur in the office of marshal before one year of his term shall have expired, the trustees shall order an election to fill said vacancy. If more than one year, or as much as one year of the term shall have expired when the vacancy occurs, the trustees shall appoint a successor to fill the unexpired term, and shall require same bond, in form and conditions, to be executed as is required of marshals elected.

§ 16. The trustees of said town are empowered by ordinance to regulate the speed of all railway trains

running through said town, and may fix the penalty against the persons in charge of said trains for a violation of the ordinance.

§ 17. The trustees may charge and collect a town Licenses. license tax for every circus, menagerie, show, or public exhibition for profit, within the corporate limits of the town of Livermore, a sum not exceeding ten dollars for each performance or exhibition, and may charge an extra tax on each side-show. They may also charge and collect a license on any stud, jack or bull kept within the corporate limits of the town for the purpose of making a season or stand. The amount to be charged and the penalty for a failure to pay to be fixed by ordinance.

§ 18. That the trustees shall have the power to im- Taxes on mer-
chants, traders,
etc. pose a tax upon each merchant or trader doing business in said town not exceeding twenty dollars per annum; and any person who shall sell goods, as a grocer or merchant, without having paid the tax fixed by the board of trustees, shall be fined the sum of twenty-five dollars, to which shall also be added the tax imposed.

§ 19. That the trustees of said town shall have Tavern-keepers. the power to collect from each tavern-keeper of said town, who vends spirituous liquors in connection with his or their tavern, a tax not exceeding one hundred dollars before such person shall be licensed as a tavern-keeper by the county court of McLean county, which tax shall be equal and uniform; and the rate to be charged shall be fixed at the meeting of said board in the month of May, and shall not be increased for twelve months from that meeting.

§ 20. That the trustees of said town shall have the Coffee-houses. power to license coffee-houses in said town where spirituous liquors may be sold; and shall have the power to collect from any person or persons to whom they have granted such privileges an annual tax not exceeding two hundred and fifty dollars, which may

be paid by such person or persons annually, semi-annually or quarterly, or may be prescribed by the trustees of said town; but the tax shall always be paid in advance; the trustees shall have power to prescribe rules for the government of such saloons or coffee-houses, and may at any time, for a violation of the rules, suspend such person or persons from the right to sell or vend spirituous liquors.

Ale and beer saloons. § 21. That the trustees of said town shall have the right to license ale and beer saloons in said town, and may collect a tax, not exceeding one hundred dollars, from such saloon-keeper, and shall have the same power and privileges conferred upon them as is conferred by the twentieth section of this act.

Duties of saloon keepers. § 22. The owner of saloons, wherein spirituous liquors, ale, beer, porter, or wine is permitted to be sold, shall, at all times, keep a printed copy of the rules prescribed by the trustees for the government of saloons, posted in some conspicuous place in the room where such sale is made.

Penalties. § 23. Any tavern-keeper, or any person having license from the trustees of said town, as authorized by section 20 and 21 of this act, in addition to being suspended from the privilege, may be fined in any sum not exceeding one hundred dollars for a violation of the State law, or the laws governing said town, or for a violation of the rules prescribed for the government of such taverns or saloons: *Provided*, That no person shall be fined but once for each offense, to be recovered before the police judge of said town, unless for some cause they can not legally try such person, then to be tried before the county judge of said county.

Peddlers. § 24. The trustees of said town are empowered by ordinance to fix and collect a town license tax from all peddlers and auctioneers doing business in said town, and may prescribe and enforce the collection of a penalty for a failure to pay said license.

Trustees to keep streets in order. § 25. It shall be the special duty of the trustees to open and keep open and in good condition all the

streets and alleys. They may constitute the town marshal street inspector, and require him to keep the streets and alleys open and free from obstructions, except such as may be necessary in building and repairing buildings; and they may authorize and empower him to remove obstructions, after notice to parties who may cause them, at the costs of such parties, and allow the marshal a reasonable fee for his services, to be collected as part of the costs.

§ 26. That the trustees shall have power to grade and pave the sidewalks on any of the streets of said town, and to make convenient, necessary crossings, and are empowered to levy a tax on the owners of the property in front of which said pavements shall be made, sufficient to pay for the same; and a lien is hereby created in favor of the trustees of the town on any property improved by said grading or paving the streets in front of same: *Provided*, That the owner of property may, by private contract, grade and pave in front of same, the work to be done under the supervision of the street inspector, in a good, substantial manner. If the owner of property refuse or fail to have said work done after notice by the trustees, the notice fixing the time in which it shall be done, then the trustees shall proceed to have said work done, and shall keep a true account of the cost thereof; and when said work shall have been completed, the trustees shall demand of each property-owner payment of the costs of doing the work in front of his property, and shall record in the book kept by them the date of such demand, which record shall, in all proceedings thereunder, be *prima facie* evidence of its correctness. If the property-owners fail to pay the costs within sixty days after said demand, the trustees may, by action in McLean circuit court, subject said property to the payment of the costs of such work and of said action.

§ 27. That the trustees of said town are empowered to prescribe the manner and places in which powder,
Prescribe manner and place of keeping explosives.

benzine, and inflammable oils shall be sold or stored. They are also empowered to pass such ordinances as are necessary to require owners of property to keep chimneys and flues in repair, and may appoint an inspector for said purpose, who shall be authorized at all times to inspect the chimneys and flues in said town; and if any be found defective, the owner or occupier of the building in which it is situated shall be given five day's notice to repair same; if not then so repaired, the inspector shall be authorized to tear down and remove the same.

§ 28. That all acts or parts of acts, in so far as they relate to the town of Livermore, are hereby repealed.

§ 29. That this act shall take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 282.

AN ACT to incorporate the Harrodsburg Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ed. Gaither, C. M. Dedman, W. K. Cardwell, J. E. Cogar, T. M. Cardwell, their associates and successors, are hereby incorporated and created a body-politic, under the style and corporate name of the "Harrodsburg Water Company," with power to establish, construct and operate, in or near the city of Harrodsburg, Mercer county, Kentucky, water-works, for the purpose of supplying water to said city and the inhabitants thereof and surrounding country.

§ 2. Said corporation may construct reservoirs, water-works, pumps and machinery, appendances and appurtenances, and all other apparatus necessary to properly carry on the business of furnishing water to said city of Harrodsburg and the inhabitants thereof and surrounding country.

§ 3. The affairs of said corporation shall be managed Directors. by a board of directors, consisting of five members, from whom said board shall choose a president and a Officers. vice-president, secretary and treasurer, and such other officers as said board of directors may prescribe. The board of directors shall be chosen annually by the stockholders, at such time and place as may be designated by the corporation in a by-law, and said board may fill vacancies in its body. The directors shall hold their offices until their successors are elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. The presi- Officers elected. dent, vice-president, secretary, and treasurer shall be elected by the board of directors on the date of the annual election of said directors, and shall hold their offices until their successors are elected and qualified; but the secretary and treasurer need not be members of the board of directors. At all elections by the stockholders, they may vote in person or by written proxy, and each share of stock shall be entitled to one vote.

§ 4. The capital stock of said corporation shall con- Capital stock. sist of one hundred thousand dollars, divided into shares of one hundred dollars each, and may be in- Shares. creased to an amount not exceeding two hundred and fifty thousand dollars by the vote of two-thirds of the holders of such capital stock. Ed. H. Gaither is ap- Commissioner. pointed commissioner, who may, at any time and place, notice of which shall be given by publication in a newspaper published in the city of Harrodsburg, Kentucky, open books for the receipt of subscriptions Open books. to the capital stock of said company, and upon subscription thereto of five thousand dollars of said capital stock, may at once, or at such time as he may designate, convene subscribers to such capital stock, and organize said corporation by an election of di- Organize. rectors, who shall hold their offices until the next general election, and until the election and qualification of their successors; and the annual election of

directors for said corporation shall be held on the first Monday February of each year.

May acquire personal and real estate.

Condemnation of lands.

§ 5. Said corporation may acquire, by purchase or lease, any real or personal property necessary or proper for the purposes of said corporation, and the right to lay pipes or aqueducts through any land necessary for its purpose; and if the corporation and the owners and proprietors of any property necessary to be taken or used by said corporation for its corporate purposes shall not agree upon compensation to be made to said owners, the same may be acquired by condemnation in the way and manner provided for the condemnation of property for railway and turnpike purposes, under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to prescribe the mode of condemning land for the uses of railroad and turnpike companies," approved April 11, 1882.

Convey water.

§ 6. Said corporation is authorized to take water from any source necessary, and lay its pipes under or over any street, street railway, or railroad track, or highway, but in such manner as not to obstruct or impede the passage thereon; and in laying its pipes across or through any highway or street, or in repairing the same, care shall be taken to leave such streets or highways in as good condition as before, by said corporation. And if the source whence said corporation may take water be the private property of any individual, firm, or corporation, and the agreement as to compensation be not reached between the owner or proprietor thereof and said corporation, the latter may condemn said right to take said water in the same manner as other property may be condemned by it. Said corporation shall furnish water to the city of Harrodsburg for the extinguishment of fires and cleaning streets upon such terms as may be agreed upon between said city and said corporation. Said corporation is authorized to sell the privilege of using water conducted through its pipes to any manufactory

Sell privilege using water.

in the city or person within the reach of its pipes in Mercer county, and may make all rules and regulations as to the manner and time of taking water therefrom and preventing the waste of such water.

§ 7. Said corporation may appoint one or more Watchmen. watchmen to guard and protect their reservoirs, pipes, and other property.

§ 8. If any person shall willfully and maliciously Penalty for defiling or injuring water or water pipes. defile, corrupt, or render impure any water used by said company, or willfully destroy or injure any pipes, hydrants, valves, valve-boxes, reservoir building, fountain, or any other property belonging to said corporation, such person or persons shall be liable in a civil action to said corporation for damages caused thereby, and also, upon conviction, to imprisonment in the county jail for not less than thirty days nor more than one year.

§ 9. Said corporation may issue bonds in denomi- Issue bonds. nations of not less than one hundred dollars each, with coupons attached, for the payment of interest thereon; said bonds to mature in not less than twenty nor more than thirty years, and to bear interest at any rate not exceeding six per centum per annum, payable semi-annually, and to secure the payment of said bonds and coupons by a mortgage of its franchises and Mortgage. property, and sell and dispose of said bonds as the board of directors of said corporation may think best for its interests.

§ 10. It shall be lawful for the board of trustees of the city of Harrodsburg to enter into a contract with Contract with city for extinguishment of fires the said corporation for the supply, by said corporation to said city, of water, for the extinguishment of fires and for all public purposes, upon such terms as may be agreed upon between said board of trustees and said Harrodsburg Water Company. Said agreement shall not be final and conclusive until ratified at an election held as hereinafter provided. Upon Contract be submitted to vote. the execution of such contract between the board of trustees aforesaid and the said Harrodsburg Water

Notice.

Officers of election.

Result certified.

Company, the mayor of said city or chairman of the board of trustees shall order an election held in said city, on a day named by him, to ascertain the sense of the legal voters of said city upon the ratification or rejection of said contract. A notice of such election shall be given by publication in a newspaper published in said city by at least two insertions of said notice not less than thirty days before such election, and also by notice posted at the court-house door in said county, and such public place or places therein as said mayor may direct. At such election votes shall be received "For the water tax" and "Against the water tax." Officers of said election shall be appointed and said election held as in the case of other elections in said city. At the close of said election, or as soon thereafter as practicable, the votes cast at said election shall be counted by the mayor of said city or chairman of the board of trustees and the city attorney, who shall certify the result of said election to the board of trustees, and cause the same, as shown by their certificate, to be published in a newspaper published in said city as soon thereafter as practicable. The result of said election shall be entered by the board of trustees upon their records. In case of a contract made and ratified by a majority of the legal votes of said city, voting at said election held as aforesaid, a tax shall be levied by the authorities of said city as other taxes are levied, so long as water shall be furnished under said contract, to pay the cost of water so furnished.

§ 11. This act shall effect from and after its passage.

Approved February 24, 1888.

CHAPTER 283.

AN ACT to incorporate the "North Pleasureville Tobacco Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There is hereby established a bank in the town ^{Capital stock.} of Pleasureville, alias North Pleasureville, in Henry county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars ^{Shares.} each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of North Pleasureville ^{Corporate name.} Tobacco Bank, and may so continue for thirty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this the board shall have all power necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever; and may have and use a common seal, and change the same at pleasure.

§ 3. Said bank shall be under the control of not less ^{Board of directors.} than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom, at all times, shall be residents of Henry and Shelby counties; and after the first election they shall be chosen ^{Election.} on the second Monday in January in each year, or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified. They shall ^{Officers.} appoint one of their number president, and may, if they think best and necessary, at any time, appoint

also from their number a vice-president, who shall hold their positions at the pleasure of the board of directors. The board shall hold regular meetings at such time as they may fix upon, and such called meetings as they may deem necessary. In case of death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell.

§ 4. Shall declare dividends, appoint such officers, agents, servants, as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney; the stock shall be personal property.

§ 5. Edward Kephart, John F. Jacoby, M. H. Rucker, J. W. Radcliffe and S. W. Mays are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation; and when shares to the amount of twenty-five thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice to said stockholders, and appoint a day for the election of a board of directors, who shall hold their offices until their successors are elected and qualified. The payment for the shares subscribed shall be made in such installments, or at such times, as the board of directors may order; and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 6. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate

fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money; buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871; and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

§ 7. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debt, judgment or decree: *Provided, however,* That said bank shall not hold any real estate conveyed to it as surety for, or in satisfaction in whole or part of, any debt, judgment or decree for a longer period than five years. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

§ 8. The private property of stockholders shall not be liable for the debts of the corporation; and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

§ 9. Before entering upon their duties the president, directors and other officers of the bank shall

take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it; and should any occur, will at once report the same to the Attorney General of this Commonwealth.

§ 10. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

§ 11. The General Assembly shall have the right to examine the affairs of the bank by a committee or any officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 12. This act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 284.

AN ACT for the benefit of the Tilford and Northfork Turnpike Company, of Scott county.

WHEREAS, The Tilford and Northfork Turnpike Company, incorporated and acting under a charter issued by the Scott county court on the fifteenth day of April, 1887, for the purpose of constructing and operating a turnpike road from the LeComte Run and Owenton Turnpike, in Scott county, to a point in the Elkhorn and Cedar Turnpike, at or near Henry Carter's, in Franklin county, Kentucky, the work on the Scott county section of said road being now nearly completed; therefore, for the benefit of said company,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Tilford and Northfork Turnpike Company be affirmed, and that the said

company be authorized and empowered to extend their line of road from the Scott and Franklin county line to intersect the Northfork and Cedar Turnpike Road at or near Henry Carter's, in Franklin county, with full authority to operate and manage the same, under the limitations and provisions of the charter issued from the Scott county court.

§ 2. This act to take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 285.

AN ACT to establish a road law in Breckinridge county.

WHEREAS, Good roads are the most valuable public improvements among any people, thereby greatly facilitating travel and the movement of produce; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county judge of Breckinridge county, and he is hereby commanded, to order a poll opened, at the first regular election after the passage of this act, to take the sense of the qualified voters of said county for and against this act or road law; and he shall have this act published in both newspapers in said county at least thirty days previous to said election. And if a majority of said votes so cast are for it, then it shall be in full force.

§ 2. Should there not be a majority of all the votes cast at said election in favor of this act, the county judge, on motion of one or more of the justices of the peace, may order a poll opened again at any subsequent election; and if, at any subsequent election, there is a majority in favor of said road law, it shall be in full force.

§ 3. That it shall be lawful for the Breckinridge county court, composed of county judge, county

attorney, and a majority of the justices, at its first regular session after the ratification of this act, by a majority of all the votes so cast, to levy a tax, not to exceed ten cents, on each one hundred dollars' worth of property, which, by law, is now taxed for revenue purposes; and a capitation tax, not to exceed one dollar and fifty cents, on all male persons twenty-one years old and over: *Provided, also*, That all male minors, sixteen years old and under twenty one, shall have the privilege of either paying two dollars each, annually, to the road fund, or work two full days each, annually, under the road superintendent, on any county road most convenient.

§ 4. The fund provided herein for road purposes shall be paid out as equitably as possible, taking into consideration the nature and condition of all the roads to be worked.

§ 5. The county judge, with a majority of the justices of the peace, at the same session that they levy the road tax, shall elect one superintendent of roads in each magisterial district, who shall hold office as such two years, or until his successor is qualified. Whose duty shall be to keep all county roads in his district in as good order at all times as possible, and for this purpose he shall give the people notice in writing, posted on said road, at two or more conspicuous places, at least five days, stating therein when and where he will commence work on said road, which shall be deemed sufficient notice for all to work out their road tax, or any part thereof, at the rate of one dollar per day for each full day's work done, which rate shall be allowed all persons so working, not otherwise provided for, except skilled mechanics, for blasting or for stone work, with whom the superintendents may contract according to the nature and kind of work to be done. And should there not be hands enough at any time to do the work, then the superintendents shall hire as many hands as they may think necessary to prosecute the work.

§ 6. All county roads having a higher grade than ten feet in each one hundred in length shall be changed or cut down to the above grade. For this purpose the county surveyor shall be summoned, wherever necessary, by the superintendents of roads, alternately, before work is commenced on such places; when the surveyor shall proceed to examine the ground, mark out the course and grade to be made. For which services he shall be paid at the same rate per day as now allowed by law for other county services.

§ 7. The superintendents shall have full authority, and are hereby required, to alter or change any county road so as to straighten unnecessary crooks and to avoid places impossible to put in good order. And all fences moved in so doing, if any, shall be made a lawful fence by the superintendent and his hands out of any rails or timber most convenient.

§ 8. Any person or persons hindering or obstructing said superintendents or surveyor in the discharge of their duty, in prosecuting the work on any county road or changes thereof, shall be deemed guilty of obstructing the public highway, and liable to all the pains and penalties, as now provided by law, for the punishment of such offenses: *Provided, however,* That any person or persons aggrieved, by reason of the right of way, may present their claims to the county court of claims for damage, but such claim shall not work to the forfeiture or obstruction of any road.

§ 9. The superintendents shall purchase all material, of whatever kind, to prosecute the work on said roads, to be paid for out of the road fund; and such purchase of tools and other implements, etc., shall belong to the county, and remain in the care and under the control of the superintendents. Should any of said tools or implements be lost or injured while not in use on any of said roads, the superintendent under whose care such loss or damage occurred shall be liable for the same, to be deducted from his pay for

services on said road ; but all necessary repairs while in use on the roads to be paid for out of the road fund.

§ 10. Each superintendent may appoint one assistant overseer of roads, if necessary, for the better prosecution of the work, who shall act in accordance with the instructions of the superintendent ; and said assistant shall report in writing, under oath, to be administered by any justice of the peace or county judge to the superintendent, setting forth the kind of work done, number of hands worked each day, to whom he shall give, each hand, a receipt for the amount of work done, and to claimants for timber or other material used, if any. Which report shall be embraced in a like report of the superintendent, who shall report to the county court of claims annually, or oftener if necessary, including also number, kind and cost of all purchases made by him for road purposes.

§ 11. The county judge, county attorney, and a majority of the justices, shall annually, or oftener, fix a reasonable sum for the services of the superintendents, to be paid at such times as necessary, out of any money belonging to the road fund or county, not otherwise appropriated.

§ 12. The county judge and a majority of the justices at the court of claims shall hear and award all claims for damage, or right of way, upon satisfactory proof, and give a certified copy of the amount so allowed to such claimant, and a copy of the same shall be filed in the county clerk's office, with all other reports and papers in relation to roads, and be open to the inspection of any person at any time.

§ 13. The county judge, and a majority of the justices concurring, shall have authority to remove any superintendent, at any time, for neglect of duty or incompetency, and elect others to fill said vacancy.

§ 14. All male delinquent tax-payers under fifty years of age, sound in body and mind, unless excused

by the court of claims, shall be required to work out their tax, at such times and on such roads as the superintendents may direct; and for this purpose the superintendents are hereby invested with the same authority that surveyors of roads now have.

§ 15. The road tax provided for in this act shall be collected by the county sheriff at the same time and in the same manner that other taxes are collected; and for this purpose he shall be under the same rules and responsibility that he now is in relation to the collection of the county levy and revenue. The sheriff shall make out, or cause to be made out, as he now does, from the assessor's returns, a separate book or books, to be known as the road-tax book, containing all legal tax lists, with the amount thereof as fixed by the court, as provided in section 3 of this act, and submit the same to the county board of tax equalization for their approval and correction before collecting same.

§ 16. The county clerk shall file in his office a statement of the full amount, annually, of said road tax, and deliver a certified copy of the same to each justice of the peace, to be filed in his office, as a matter of record and reference.

§ 17. The sheriff shall pay out the road fund in discharge of claims certified by the county judge for damage or right of way, and all vouchers or receipts given by the superintendents of roads and their assistant overseers for tools, material, and to hands for work done on county roads, which checks or vouchers the sheriff or his deputies shall take up anywhere, at any time presented, in liquidation of road tax, or paying off the same, as may be required, out of any money belonging to the road fund or county not otherwise appropriated.

§ 18. The sheriff of Breckinridge county, after receiving the proper credit as now for his delinquent tax lists, shall carry over from year to year all such

delinquent tax lists, and use the same care and diligence in collecting the same as any other tax; and he shall receive no extra fee or commission more than he now receives by law for collecting the county levy and revenue.

§ 19. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 24, 1888.

CHAPTER 286.

AN ACT to incorporate the Barbourville and Cumberland River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Greene Elliott, C. T. Davidson, J. H. Wilson, James T. Gibson, P. W. Metcalf, C. D. Moss and S. B. Dishman, and W. J. Candill, their successors and assigns, are hereby created a body-politic and corporate, by the name of the Barbourville and Cumberland River Bridge Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded with, answer and defend, in all courts and places as a natural person; and may have a common seal, and alter same at pleasure; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite to carry out the objects for which it is created.

§ 2. Said company is hereby authorized and empowered to construct a bridge across the Cumberland river at or near Barbourville, Kentucky, between the mouth of Richland creek and Fighting creek, of such style and pattern or material as the company may judge best suited to the purpose; and said company shall have the right to acquire title to such lands as may be necessary for the construction of said bridge, and for that purpose shall have the right to condemn any land necessary for its use, and the proceedings

for that purpose shall be in all respects as is now provided by law for condemning lands in opening roads: *Provided*, That the provisions of chapter 94 of the General Statutes, relative to constructing bridges or causeways, shall not be applicable in the construction of any bridge under this charter.

§ 3. The capital stock of the company shall be ^{Capital stock.} divided into shares of one hundred dollars each, and ^{Shares.} may consist of any number of shares, not exceeding two hundred, that may be decided upon by the board of directors of the company, and may be subscribed for by individuals or corporations. The stockholders ^{Directors.} shall, once in every year, elect five directors, and when so elected shall elect one of their board a presi- ^{Officers.} dent, treasurer and secretary of the company, who shall continue in office until their successors are elected and qualified; and the president and board of directors may adopt by-laws, in which they shall provide for the transfer of stock and the form of proxies, ^{Transfer of stock} to vote the same at stockholders' meetings, and mode of calling meetings of stockholders, and the manner of transacting business at such meetings; and said board of directors shall have the management, government and control of the property and affairs of the company. Upon the subscription of three fifths of the stock fixed upon by the company as capital stock of the company, the organization of the company may be completed and work commenced.

§ 4. The tolls charged by said bridge company shall ^{Tolls.} be the same as those established by law for turnpike roads with gates five miles apart. The provisions of chapter one hundred and ten of the General Statutes regulating tolls shall be applicable to the tolls charged and collected by the company.

§ 5. That the fiscal courts of Knox county may, in their discretion, take stock in said bridge company: *Provided*, The amount of stock taken by said county shall not exceed five thousand dollars.

§ 6. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 287.

AN ACT to declare an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," approved May 26, 1874, in force in civil district No. 3, in Garrard county.

WHEREAS, On the ninth day of October, 1886, the voters in civil district No. 3, in Garrard county, then voting upon the proposition whether or not spirituous, vinous or malt liquor should be sold in said district, by a majority of more than one hundred votes against the sale of such liquors in said civil district No. 3, in said county; and whereas, said vote was duly certified by the examining board for the election to the county court, and duly recorded as required by law, said vote having been taken and the result certified according to the terms of an act submitting the proposition to the votes in district No. 3, in Garrard county, whether or not spirituous, vinous or malt liquor shall be sold therein, approved May 17, 1886; and whereas, some doubts has arisen as to whether said vote and the result thereof, and the recording of the certificate, put in operation in said civil district No. 3 the act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," approved May 26, 1874; now, to remove all doubts,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," approved May 26, 1874, is hereby declared to be, and is, in force in said civil district No. 3, Garrard county, and from and after the passage of this act it shall be unlawful for any person to sell any spirituous, vinous or malt liquors in the said district; and any person who sells any such liquors in said district shall, upon conviction, be fined the sum of not less than twenty-five dollars nor more than one

hundred dollars for each offense: *Provided*, That nothing in this act shall be so construed as to prohibit a vote being taken under the law known as the local option law, in said district, at any time not less than two years from the passage of this act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 288.

AN ACT for the benefit of J. C. York, of Clinton county.

WHEREAS, J. J. York listed, in the years 1861 and 1865, fifty acres of land in Clinton county, Kentucky, on the waters of Willis creek, for taxation, and the same was, on the twenty-fourth day of January, 1868, sold to the State for non-payment of said taxes; and whereas, on the twenty-eighth day of March, 1878, the Auditor sold said lands to J. C. York, and received payment therefor, and if a deed of conveyance was made to said J. C. York for said land, it has been lost and there is no record thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this State be, and he is hereby, authorized and directed to convey to said J. C. York said fifty acres of land in Clinton county, Kentucky, on the waters of Willis creek, so as to vest in him all the title, right or interest the State has in or to said land.

§ 2. That this act take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 289.

AN ACT to incorporate the Paris Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. R. Thomas, Mat. Turney, John B. Holliday, F. L. McChesney, their associates and successors, are hereby incorporated and created a body-politic, under the style and corporate name of the "Paris Water Company," with power to establish, construct and operate, in or near the city of Paris, Bourbon county, Kentucky, water-works, for the purpose of supplying water to said city and the inhabitants there and surrounding country.

§ 2. Said corporation may construct reservoirs, water-works, pumps and machinery, appendances and appurtenances, and all other apparatus necessary to properly carry on the business of furnishing water to said city of Paris and the inhabitants thereof and surrounding country.

§ 3. The affairs of said corporation shall be managed by a board of directors, consisting of five members, from whom said board shall choose a president and a vice-president, secretary and treasurer, and such other officers as said board of directors may prescribe. The board of directors shall be chosen annually by the stockholders at such time and place as may be designated by the corporation in a by-law, and said board may fill vacancies in its body. The directors shall hold their offices until their successors are elected and qualified, and a majority of them shall constitute a quorum for the transaction of business.

The president, vice-president, secretary and treasurer, shall be elected by the board of directors on the date of the annual meeting of said directors, and shall hold their offices until their successors are elected and qualified; but the secretary and treasurer need not be members of the board of directors. At all elections

by the stockholders they may vote in person or by Proxy. written proxy, and each share of stock shall be entitled to one vote.

§ 4. The capital stock of said corporation shall consist of one hundred thousand dollars, divided into shares of one hundred dollars each, and may be increased to an amount not exceeding two hundred and fifty thousand dollars by the vote of two-thirds of the holders of such capital stock. Capital stock. W. R. Thomas is appointed commissioner, who may, at any time and place, notice of which shall be given by publication in a daily newspaper published in the city of Paris, Kentucky, open books for the receipt of subscriptions Shares. to the capital stock of said company, and upon subscription thereto of five thousand dollars of said capital stock, may at once, or at such time as he may designate, convene subscribers to such capital stock, and organize said corporation by an election of directors, who shall hold their offices until the next general election, and until the election and qualification of their successors; and the annual election of directors for said corporation shall be held on the first Monday in February of each year. Commissioner.

§ 5. Said corporation may acquire, by purchase or lease, any real or personal property necessary or proper for the purposes of said corporation, and the right to lay pipes or aqueducts through any land necessary for its purpose; and if the corporation and the owners and proprietors of any property necessary to be taken or used by said corporation for its corporate purposes, shall not agree upon compensation to be made to said owners, the same may be acquired by condemnation,* in the way and manner provided for the condemnation of property for railway or turnpike purposes, under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to prescribe the mode of condemning land for the uses of railroad and turnpike companies," approved April 11, 1882. When may or organize. May acquire real or personal property. Condemnation of right of way.

§ 6. Said corporation is authorized to take water from any source necessary, and lay its pipes under or over any street, street railway, or railroad track, or highway, but in such manner as not to obstruct or impede the passage thereon; and in laying its pipes across or through any highway or street, or in repairing the same, care shall be taken to leave such streets or highways in as good condition as before by said corporation. And if the source whence said corporation may take water be the private property of any individual, firm or corporation, and the agreement as to compensation be not reached between the owner or proprietor thereof and said corporation, the latter may condemn said right to take such water in the same manner as other property may be condemned by it. Said corporation shall furnish water to the city of Paris for the extinguishment of fires and cleaning streets, upon such terms as may be agreed upon between said city and said corporation. Said corporation is authorized to sell the privilege of using water conducted through its pipes to any manufactory in the city, or person within the reach of its pipes, in Bourbon county, and may make all rules and regulations as to the manner and time of taking water therefrom and preventing the waste of such water.

Lay pipes and convey water.

Sell privileges using water.

§ 7. Said corporation may appoint one or more watchmen to guard and protect their reservoirs, pipes and other property.

§ 8. If any person shall willfully and maliciously defile, corrupt, or render impure any water used by said company, or willfully destroy or injure any pipes, hydrants, valves, valve-boxes, reservoir building, fountain, or any other property belonging to said corporation, such person or persons shall be liable in a civil action to said corporation for damages caused thereby, and also, upon conviction, to imprisonment in the county jail for not less than thirty days nor more than one year.

Penalty for defiling or injuring water or water pipes.

§ 9. Said corporation may issue bonds in denomi- Issue bonds.
 nations of not less than one hundred dollars each, with
 coupons attached, for the payment of interest thereon ;
 said bonds to mature in not less than twenty nor more
 than thirty years, and to bear interest at any rate not
 exceeding six per centum per annum, payable semi-
 annually, and to secure the payment of said bonds
 and coupons by a mortgage of its franchises and Mortgage.
 property, and sell and dispose of said bonds as the
 board of directors of said corporation may think
 best for its interests.

§ 10. It shall be lawful for the board of trustees of May contract with city for water for extinguishment of fires
 the city of Paris to enter into a contract with the said
 corporation for the supply, by said corporation to said
 city, of water, for the extinguishment of fires and for
 all public purposes, upon such terms as may be agreed
 upon between said board of trustees and said Paris
 Water Company. Said agreement shall not be final
 and conclusive until ratified at an election held as
 hereinafter provided. Upon the execution of such Contract to be submitted to vote.
 contract between the board of trustees aforesaid and
 the said Paris Water Company the mayor of said
 city shall order an election held in said city, on a day
 named by him, to ascertain the sense of the legal
 voters of said city upon the ratification or rejection
 of said contract. A notice of such election shall be Notice.
 given by publication in a newspaper published in
 said city by at least one insertion of said notice not
 less than ten days before such election, and also by Election.
 notice posted at the court-house door in said county,
 and such public place or places therein as said mayor
 may direct. At such election votes shall be received
 "For the water tax," and "Against the water tax."
 Officers of said election shall be appointed and said Officers of election.
 election held as in the case of other elections in said
 city. At the close of said election, or as soon there-
 after as practicable, the votes cast at said election
 shall be counted by the mayor of said city and the
 city attorney, who shall certify the result of said

election to the board of trustees, and cause the same, as shown by their certificate, to be published in a newspaper published in said city as soon thereafter as practicable. The result of said election shall be entered by the board of trustees upon their records. In case of a contract made and ratified by a majority of the legal votes of said city voting at said election held as aforesaid, a tax shall be levied by the authorities of said city as other taxes are levied, so long as water shall be furnished under said contract, to pay the cost of water so furnished.

§ 11. This act shall take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 290.

AN ACT for the benefit of the city of Stanford.

WHEREAS, There is a deficit in the treasury of the city of Stanford, Kentucky, and the twenty-five per cent. ad valorem tax collected under the provisions of the city charter is inadequate to meet said deficit, and as it is not advisable to amend said charter so as to increase the power of taxation permanently, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the council of the city of Stanford be, and is hereby, authorized and empowered to levy an ad valorem tax for the years 1888 and 1889, not exceeding fifty cents on each one hundred dollars' worth of taxable property in said city, said fifty per cent. to be in lieu of the twenty-five per cent. tax named in the charter of said city.

§ 2. The provisions of this act shall not be in force except for the two years mentioned herein, and shall

not in any way affect the provisions of the present charter after the year 1889.

§ 3. This act shall be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 291.

AN ACT to incorporate the Academy of Science.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. J. Simmons, Wm. M. Jennison, T. C. Buford, Edward Brooks, A. V. Nelson, T. A. Reid, R. B. Butler, Ellen Thompson, Carrie Thompson, Wm. H. Powell, Lucy W. Smith, Mary V. Cook, J. H. Hicks, H. Nelson, A. Merchant, C. H. Parrish, Josephine A. Simmons, and their successors, shall be, and are hereby, constituted a body-corporate, to be known and designated by the name and style of the "Academy of Science;" and by that name shall have perpetual succession and a common seal, with power to institute, pursue, adopt and carry into effect such measures as may seem best to them for the promotion of education, morality, benevolence and social enjoyment among themselves, and from time to time to conduct such public exercises through lectures, institutes, scientific researches and discussions, and social gatherings as will benefit mankind, not inconsistent with the laws of this Commonwealth.

§ 2. That said corporation may sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of this Commonwealth. That they are hereby invested with full powers and authority, in their corporate capacity, to purchase or receive by donation, devise or bequest, lands, tenements, hereditaments, money, rents, goods and chattels, and to alien, sell and convey the same for the use and pur-

poses of the corporation ; but they are hereby prohibited from holding at one time real estate, acquired by any of the modes aforesaid, to a greater amount in value than twenty-five thousand dollars.

§ 3. That said corporation shall have power to take, hold and receive any donation, devise or bequest to them made, of any estate, real or personal, for any educational, moral or benevolent purpose, and shall hold, use and dispose of the same, if accepted according to the intentions of the donor as expressed in the donation, devise or bequest, and where such intention is not so expressed, then according to the discretion of the corporation.

§ 4. That said corporation shall have full power to admit, elect or appoint its members and officers, to select such times and places for its meetings and the transactions of its business as they may think best, not inconsistent with the laws of this Commonwealth.

§ 5. It shall be the duty of said corporation by proper officers, to keep a full, true and complete record of all its acts and proceedings in a book or books to be provided for that purpose.

§ 6. The amount of capital stock shall be fifty thousand dollars, to be divided into ten thousand shares of five dollars each. Each share of stock entitles the holder to one vote.

§ 7. This corporation shall be managed by a board of directors, composed of eleven members, who shall be elected annually from the corporation. This board of directors shall be the highest authority of the "Academy of Science," and shall have final and complete control of, and jurisdiction over, all of its officers, committees, boards and agents, and shall make all rules, regulations and by-laws, and perform all acts and do all the business of the corporation : *Provided, however,* That they may not dispose of real estate without a vote of the entire corporation directing the sale thereof. There shall be an annual meeting of the corporation held for the election of the board of

directors. At such meeting the president of the board of directors shall preside.

§ 8. The private property of the members is exempt from the corporate debts.

§ 9. Said corporate body may acquire and hold any amount of lands not exceeding one hundred and fifty acres.

§ 10. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 292.

AN ACT to amend "An act to establish and maintain a graded free school, in the town of Harrodsburg, Kentucky," approved March 15, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act above mentioned incorporating the Harrodsburg educational district be, and the same is hereby, amended as follows: That the trustees are empowered and authorized to procure, by purchase or otherwise, a lot in the town of Harrodsburg, suitable for the erection of a school-house in said district, and cause to be erected thereon a school-house for the white children residing in said district, and to furnish the same for said purpose. And to enable the said trustees to build and furnish said school-house, they are empowered to levy and collect the same per capita tax, or tax on the taxable property in the district, to the same extent and manner that trustees of common schools are authorized to impose and collect taxes for similar purposes in their respective districts, as provided by paragraph 7 of article 8 in the statute relative to common schools in this State. And said trustees of said graded school are authorized to have said taxes, so assessed by them as aforesaid, collected by the sheriff of the county, as similar school taxes are collected.

§ 2. And it is further provided, that all per capita tax or taxes on property in said district for the purposes aforesaid, shall be assessed and levied on the white citizens of said district and the property owned by them. And the tax on said property shall be assessed according to its value, as reported by the assessor of the county and modified by the board of equalization.

§ 3. And be it further enacted, that said trustees of the said graded school shall have the same power to repair said school-house and provide furniture for same that the trustees of common schools are authorized to do, and may make reasonable assessment for same to the same extent and in the same manner that the trustees of common schools are authorized to do, and collect reasonable sums by taxation therefor.

§ 4. Be it enacted, that this shall take effect and be in force from its passage.

Approved February 24, 1888.

CHAPTER 293.

AN ACT for the benefit of James M. Shive, sheriff of Allen county

WHEREAS, James M. Shive, sheriff of Allen county, was prevented by ice and sleet from executing his bond within the time prescribed by law for collection of revenue for said county for the year 1888, and no collector has been appointed for said purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Shive, sheriff of Allen county, be allowed further time until the third Monday of March, 1888, in which to make and execute his bond to the Commonwealth for the collection and payment of the revenue of the county of Allen for said year;

and said bond, when so executed, shall have the same force, effect and validity as if executed as now required by law.

§ 2. This act shall take effect from its passage.

Approved February 24, 1888.

CHAPTER 294.

AN ACT to incorporate "The Morrison Male and Female Seminary,"
in Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Lella Morrison and her successors in office be, and they are hereby, constituted a body-politic, under the style and name of the "Trustees of the Morrison Male and Female Seminary," and by that name shall have perpetual succession, may adopt and use a common seal, and the same alter and change at pleasure. Said Morrison and her successors shall have power to confer any diploma or token of merit which are now by law allowed to be conferred by the best chartered colleges and seminaries of learning in the land.

§ 2. This act shall be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 295.

AN ACT to incorporate the Merchants' Bank of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of Capital stock. deposit in the city of Paducah, county of McCracken, and State of Kentucky, with a capital of ten thousand dollars, in shares of one hundred dol. Shares.

and the promissory notes made negotiable and payable at its banking-house or at any other bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers and indorsers.

§ 5. The said corporation may acquire and hold, May acquire personal and real property. possess, use and occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, That no real estate purchased by it in satisfaction of any debt, judgment or decree, shall be held by it for a longer period than five years; and By-laws. they may make such by-laws as they deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 6. The capital stock of said bank may be increased Capital stock increased. to any sum not exceeding three hundred thousand dollars. Whenever, at a meeting of the stockholders of said bank, a majority of the stock of said bank shall vote to increase the capital of said bank, and said increase may be had in different sums and at different times, according to the will of the stockholders from time to time expressed as hereinbefore stated, at any meeting, of which each stockholder shall have had notice ten days before said meeting: *Provided*, That no certificate of stock shall be issued except for such increased stock as has been actually subscribed upon the books of said bank, and fully paid in.

§ 7. The private property of the stockholders shall Private property exempt from corporate debts. be exempt from liability for the corporate debts.

§ 8. This act to take effect and be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 296.

AN ACT to incorporate the Albany High School, in Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Albany High School, located at Albany, the county seat of Clinton county, be, and the same is hereby, incorporated, with the right to sue and be sued, to acquire and hold real and personal estate to not exceed in value twenty-five thousand dollars, to have a corporate seal, to contract and be contracted with, and to employ teachers and conduct a school upon such terms as the board of directors may prescribe.

§ 2. That the management of said corporation and its affairs shall be under the control of five directors, to be elected annually by the stockholders, as provided in the existing articles of incorporation under chapter (56) fifty-six of the General Statutes. P. H. Hopkins, J. F. Brents, C. M. Gibbons, J. A. Brents, and Preston Cooper, who are the board of directors under the present organization, are to remain and continue in office until their successors are elected and qualified, with full power to control the affairs of said corporation. The stockholders of said corporation shall meet in Albany on the second Saturday in June, in each year, to elect a board of directors, and if, from any cause, the election is not held on that day, the election may be held on some other day in said month, due notice to be given of the time and place by the secretary of the board of directors. The board of directors shall remain in office until their successors are elected and qualified.

§ 3. Stock may, as heretofore, be issued in shares of fifty dollars each, but not to exceed in the aggregate twenty-five thousand dollars, each share to be entitled to one vote in the election of a board of directors. Certificates may be issued for money paid, to be repaid

in tuition, not to exceed twenty per cent. thereof annually.

Indebtedness
limited.

Private property
exempt from cor-
porate debts.

§ 4. The indebtedness of said corporation shall not exceed, at any one time, ten thousand dollars, and the board of directors are authorized to borrow money and execute bonds or notes for same, to be paid by said corporation; the private property of the board of directors and stockholders to be exempt from corporate debts and liabilities.

Officers.

§ 5. The board of directors are authorized to appoint such officers and agents as they may deem necessary to the proper conduct and management of the business of the corporation, and make such rules and regulations as they may deem best to promote the interests of the corporation.

Directors act
as trustees for
District No. 10.

Entitled to State
fund.

§ 6. That the board of directors of the Albany High School are hereby constituted and authorized to act as a board of trustees for the common school district No. 10; that is, the school district in which Albany is situated; and they will discharge all the duties and make all reports required by law of trustees of common school districts, except that they shall make all their reports to the Superintendent of Public Instruction; and they shall receive from the State annually the proportion of the school fund to which said district is entitled for the white children therein; the county superintendent shall have no control over said school district, but may change the lines between said school district and adjoining districts so as to enlarge the boundary of said district, upon the petition of the fathers and guardians of children within the school age residing in adjoining districts.

Take census.

§ 7. That in order to entitle said corporation to receive the school fund to which said district is entitled, the said board of directors shall take the census of the white children in the school age, and make report thereof to the superintendent for the State; and admit free of tuition in all the branches required to be taught in common schools, for five months each year,

all the white children in said district within the school age, and make report thereof through the president of the board at the expiration of the five months fixed for said free tuition; and they may report when one half of the time has been taught by competent teachers, and receive the per cent. now allowed by law; and when the proper report is filed in his office, the Superintendent of the State shall draw his warrant on the Auditor in favor of the president of the board of directors for the Albany High School for the amount due said district.

§ 8. No sectarian, infidel, or immoral doctrine shall Non-sectarian be taught to any of the children within the said school district during the period set apart for free tuition to them, nor shall they be placed in any class or room where theology or religion of any kind is taught, if any such class is ever taught in said school.

§ 9. The Superintendent of Public Instruction for this State shall furnish said board of directors such blanks as may be necessary for them to make all necessary reports.

§ 10. That this act take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 297.

AN ACT to amend an act, entitled "An act to authorize the county court of Robertson county to subscribe stock in turnpike roads, and to issue bonds for same," approved February 18, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for same," approved February 18, 1882, be, and the same is hereby, amended by striking out all the words in line third after the word "than," and by striking

out the words "twelve hundred" in fourth line, and inserting in lieu thereof the words "seven hundred and fifty."

§ 2. The directors of any turnpike company that has been organized in accordance with the provisions of an act to which this act is amendatory may have the right to request the county court of Robertson to subscribe stock to such turnpike road not to exceed one thousand dollars to the mile to any road; and if the county court agrees to grant the request of any turnpike company to subscribe stock to the amount of one thousand dollars to the mile, then it shall be the duty of the county court to enter an order to that effect in the order-book, and to notify the sheriff of Robertson county, in writing, within ten days after such order has been made, to open a poll at the several voting places in said county, and take the sense of the qualified voters thereof as to whether the Robertson county court shall subscribe one thousand dollars stock in each mile of turnpike road hereafter built in said county by any turnpike company hereafter incorporated under the laws of this State.

§ 3. The sheriff shall give thirty days' notice of the time and object of said election by printed notices, posted in at least four public places in the neighborhood of each voting place, and by at least three insertions in the newspapers published in said county. Said election to be conducted and held, return thereof made to, and the result declared by the same officers and under the same penalties as now provided by law.

§ 4. The vote on the aforesaid proposition authorizing the said county court of Robertson to subscribe one thousand dollars per mile in turnpike roads shall be taken at any regular State or county election (after giving due notice), and if, upon due return and comparison of the polls of said election, it shall appear that a majority of those voting are in favor of said county court making the subscription aforesaid, then

it shall be the duty of the Robertson county court to subscribe one thousand dollars per mile to the capital stock of each and every turnpike road now or hereafter organized in said county. There is nothing in this act that shall be construed so as to affect any turnpike road that is being built or under construction in Robertson county.

§ 5. This act shall take effect and be in force from its passage.

Approved February 24, 1888.

CHAPTER 298.

AN ACT to amend an act, entitled "An act to incorporate the Falmouth and Williamstown Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Falmouth and Williamstown Turnpike Road Company," be, and the same is hereby, amended as follows, to wit:

§ 2. Said company shall have the right to construct the remaining portion of said road, not already built by other companies, beginning at the western terminus of the Falmouth and Fishing Creek Turnpike Road, and extending thence, by way of the Cold Springs route, until it intersects the Falmouth, Chipman Hall and Williamstown Turnpike Road, at the store-house of T. M. Arnold, in Pendleton county.

§ 3. The capital stock of said company shall not be less than seven thousand five hundred dollars, and may be increased to the sum of fifteen thousand dollars.

§ 4. That all the proceedings and acts of the commissioners named in the original act, in obtaining subscriptions, right of way, and materials for the construction of said road, and the election of a president and board of seven directors, by the subscribers

to the capital stock of said company, be, and the same is hereby, legalized and confirmed, and shall have the same force and effect as if said acts were done after the passage and approval of this act; and all the proceedings of said company since its organization, and all the irregularities in their proceedings, if any, are to be considered as corrected and cured by this act.

§ 5. That the said company, by its president and board of directors, have full right to avail themselves of all the existing statute laws now in force, for the purpose of condemning land for right of way, and material for the construction of said road, and shall have right to fill all vacancies occurring in said board.

§ 6. That the time and place of all elections shall be fixed by the president and directors, and at any of its meetings a majority of the board shall be competent to transact business with or without the president. Each officer of the board and the president shall be a stockholder, and no stockholder shall be liable for debts of the company beyond the amount of capital stock subscribed by him; and at any of its annual elections the number of directors may be reduced to five, by notice of the board in calling said election.

§ 7. That the board of directors shall issue certificates of stock on all paid-up subscriptions, which shall be transferable on the books of the company by renewal of the certificate.

§ 8. That the company shall be allowed to charge the same rates of toll now allowed to turnpike companies in this State by the general laws of the State, and shall have all the rights and powers usually granted to turnpike road companies and necessary to condemn or obtain rights of way, take and use earth, stone or timber, and such other rights, powers and privileges as shall authorize, empower and enable the said corporation to lay out, construct, repair and maintain their said turnpike road, toll-house or houses and bridges, on such route and over such

lands as a majority of the board of directors shall elect, and shall have power to enter on the lands, take and haul away earth, stone and any other material so obtained, for the construction or repairing of any part of said road.

§ 9. That any thing in the original act of incorporation in conflict with the provisions of this act, be, and the same is hereby, repealed, or may be superseded by the acceptance of this amendatory act on the part of the corporation.

§ 10. This act shall be in force from and after its passage.

Approved February 24, 1888.

CHAPTER 299.

AN ACT authorizing the Bardstown and Green River Turnpike Road to borrow money, and providing for the loan of same.

WHEREAS, The State of Kentucky owns two-thirds of the stock in the Bardstown and Green River Turnpike Road, and that the bridge on said road across the Rolling Fork river was, in the storm of a few days ago, blown down and totally destroyed; and whereas, there is not enough money in the hands of the treasurer of said road to rebuild said bridge; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company is hereby authorized to borrow from the State the sum of ten thousand dollars for the purpose of rebuilding said bridge, and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for said sum, which warrant shall be drawn in favor of Sylvester Johnson, who is hereby appointed a commissioner to receive said money and build said bridge; and should there be any of said sum left after the completion of

said bridge, it is to be returned to the Auditor of Public Accounts.

§ 2. All tolls collected on said road, after deducting the cost of operating and keeping up the road, shall be paid into the Treasury of the State until the amount drawn therefrom is in this way paid.

§ 3. The auditor shall draw his warrant aforesaid on the Treasurer, upon the application of said Sylvester Johnson, and said warrant shall be paid out of any money in the Treasury not otherwise appropriated.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1888.

CHAPTER 300.

AN ACT to amend the charter of the Paducah and Tennessee Railroad Company, approved March 8, 1854, and the amendments thereto approved March 5, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May build and
operate railroad.

§ 1. That the Paducah and Tennessee Railroad Company, as now organized, shall have the right to build and operate a railroad in the city of Paducah, by and with the consent of the city council of said city and county of McCracken, in the State of Kentucky, from the terminus of any railroad bridge or transfer that may be built or established across the Ohio river in said county of McCracken, to any station or depot in the city of Paducah or junction with any railroad company in said city, and may extend its line of road, by single, double or treble tracks, in a south-eastwardly direction, through the counties of McCracken, Marshall and Calloway, to the line of the State of Tennessee, in Calloway county, as said railroad company may select. It may establish and construct such depots, sidings, turn-tables, shops, transfer landings, and such other officers or structures as may be deemed expedi-

ent by the company; and may purchase, lease or otherwise acquire real estate and personal property for its railroad tracks, transfer landings, depots, sidings, shops, offices, and all other purposes of said railroad company. In the event it can not agree with the owner for the purchase of any land or material for the use or construction of said railroad, it may condemn the same under the general law of this State for its purposes and uses. The franchise to said Paducah and Tennessee Railroad Company is hereby made perpetual.

§ 2. That any county, city, town, civil district, into or through which it is proposed to construct said railroad, or the Murray common school district No. 35, in Calloway county, may subscribe to the capital stock of the Paducah and Tennessee Railroad Company in any amount and on such conditions as may be agreed on, not exceeding one hundred thousand dollars, and pay the same in the bonds of such county, city, town, civil or common school district, at par, said bonds to be negotiable in such sums and at such time as any county, city, town or common school district may deem proper, to bear a rate of interest not exceeding six per centum per annum, the interest to be represented by coupons attached to the bonds, payable semi-annually in the city of Paducah. The bonds of any county, civil or common school district to be signed by the county judge and county clerk, with the seal of the county, the coupons to be signed by the clerk alone, with seal of the county. The bonds of any city to be signed by the mayor and clerk of such city, with seal of city, the coupons to be signed by the clerk alone, with seal of city. The bonds of any town to be signed by the chairman of the trustees of such town and clerk, with seal of town, and the coupons to be signed by the clerk alone, with seal of town. Said bonds to be executed and delivered by such county, city, town, civil or common school district, upon such terms and conditions as may be agreed on

Counties may
take stock.

Bonds, how is-
sued and paid.

by such county, city, town, civil or common school district. But before any such subscription shall become valid and binding, if of a county, civil or common school district, the county judge of any county, with a majority of the justices of the peace of any county, shall have the discretionary power to call a special election in any county, civil or common school district, giving not less than fifteen nor more than sixty days' notice, at which election the legal voters shall vote for and against the matter of subscription of stock to said railroad company; and if at any such election a majority of the qualified and legal voters of any such county, civil or common school district, voting at such election, shall vote in favor of the subscription of stock to said railroad company, the county judge of the county in which such election is held shall make the subscription accordingly. If to a city, the proposition to subscribe stock may, in the discretion of the council of any city, be submitted by the council of such city on such terms and conditions as may be agreed on; and if to a town, by the trustees of such town in their discretion; and if at such special election the proposition to subscribe stock be voted for by a majority of the legal and qualified voters of such city voting at such special election, the mayor shall make the subscription of stock to said railroad company in the name of any such city; and if the proposition to subscribe stock to said railroad company, at any special election, be voted in favor of by a majority of the legal voters of any such town voting at any such election, then the chairman of the board of trustees of any such town shall make the subscription of stock to said railroad company in the name of such town; when the vote is by a city, the city council of such city shall fix the time when any special election shall be held under this act; when the vote is by a town, the trustees of any such town shall fix the time when the election shall be held; and when the vote is by a county, civil district, or the common

school district, the county judge of the county in which the election is proposed to be held shall fix the time when such election shall be held, and the officers authorized by law to compare polls in county elections shall count and certify the result of any and all elections under this act; when the vote is by a city, the officers authorized by law to compare the polls in elections for city offices shall count and certify the result of all elections under this act; and when such vote is by a town, the trustees of any such town shall count and certify the result of any and all elections under this act. In case any county shall subscribe to the capital stock of said railroad company under this act, it is made the duty of the county court of such county so subscribing to levy annually a tax on the tax-payers of the county, on all property liable to taxation under the revenue laws of this State, sufficient to pay the interest on the bonds as the same matures, with the costs of collecting same, and to appoint a collector and have the said tax collected and applied to the payment of the interest on such bonds; and when the bonds of the county become due and payable, in like manner to levy and have collected a tax to pay said bond and the costs of collecting said tax. If any civil district in any county shall subscribe to the capital stock of said railroad company, then the county court in which such subscription is made by any civil district shall make a like levy, and have it collected and paid, but it shall be confined to the tax-payers and property within such civil district. In the event Murray common school district No. 35, in Calloway county, subscribes to the capital stock of said railroad company, the county court of Calloway county will make a like levy, appoint a collector, and have such tax collected, but will confine it to the tax-payers and taxable property in said district. In the event any city subscribes to the capital stock of said railroad company under this act, the council of such city shall levy and have collected from the tax-payers and

taxable property of such city a like tax. In the event any town subscribes to the capital stock of said railroad company under this act, then the trustees of any such town are required to levy, appoint a collector, and collect from the tax-payers and taxable property of any such town a like tax and for a like purpose, which shall be by them so applied ; after paying interest on the bonds of any county, civil district, or the Murray common school district No. 35, of Calloway county, or any city or town, there shall remain a surplus in the hands of the collector for any one or more years, it is hereby made the duty of the county judge of any county, the council of any city, or the trustees of any town, to apply such surplus to the payment of any outstanding bonds of any such county, civil, Murray common school district No. 35, city or town. All elections under this act shall be held at the voting places fixed by law in any county, city, town, and in Murray common school district No. 35, in the town of Murray ; and when in any civil district in any county, the place for holding any election under this act shall be fixed by the county judge of the county in which such special election is proposed to be held : *Provided*, That no bonds for subscription of stock shall be issued under this act until the railroad is completed and operated through the county, city, town or civil district voting such stock subscription to said railroad.

Capital stock. § 3. That the capital stock of the Paducah and Tennessee Railroad Company is fixed at three million of dollars, with power and the part of its directors to increase or reduce the same to the actual amount expended in its construction and equipment. It may unite, consolidate, or make running arrangements with any other railroad within or without the State. It may receive gifts or donations of right of way or of any other thing necessary or useful in the construction and operation of its road or branches ; and it shall have all the powers necessary, convenient or proper to carry into effect the construc-

tion and operation of its said road under the powers herein granted.

§ 4. That the Paducah and Tennessee Railroad Company is authorized to borrow any amount of money, ^{May borrow money.} not exceeding three millions of dollars, and to execute the bonds of the railroad company for any such loans, in such amounts and at such times as may be agreed on by said company, and the person or persons loaning the same, bearing any rate of interest not exceeding six per centum per annum, with coupons attached, to represent the interest on said bonds, to be paid semi-annually, and the bonds and coupons to be made payable at some banking-house or trust company in the city of New York, to be agreed on and printed or written on the face of the bonds and coupons. To secure the payment of such bonds, with coupons, as said railroad company may issue, it may execute and deliver a deed of trust on all its property, rights and franchises, in and out of this State. Said railroad company may indorse the bonds of any county, city, town, civil or common school district, issued in aid of its construction; and it may make arrangements with any railroad company in or out of the State of Kentucky to indorse or guarantee the payment of any bonds, with coupons, that it may issue in its construction, equipment or operation.

§ 5. That sections 11 and 16 of the act of March 8, 1854, entitled "An act to incorporate the Paducah and Tennessee Railroad Company," and sections 3, 4, 5 and 6 of an act approved March 5, 1873, entitled "An act to re-enact and amend the charter of the Paducah and Tennessee Railroad Company," with all parts of said original and amended acts inconsistent or in conflict with this amendment, are hereby repealed. ^{Repeal acts in conflict.}

§ 6. The county court of any county, civil or common school district, council of any city, or trustees of any town, may also levy and have collected a tax to create a sinking fund with which to pay any bonds subscribed by any such county, civil or common

When work
must be com-
menced.

school district, under this act, before the same matures. Before any question to subscribe stock under this act is voted on, the railroad company shall deposit a sum of money to pay the legal costs of holding the election: *Provided*, That the work of constructing said railroad shall commence in two years, and the road completed in five years from the passage of this act.

§ 7. This act shall take effect and be in force from its passage.

Approved February 25, 1888.

CHAPTER 301.

AN ACT to incorporate the Paducah and Jackson Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Burnett, C. F. Rieke, Charles Reed, George C. Thompson, and Clarence Dallam, H. L. B. Kremer, Hugh Mulholland, Jr., Clifton Dancy, and Murray Keller, and their associates, successors and assigns, are hereby created and made a body-corporate within this Commonwealth, by the name and style of the Paducah and Jackson Railroad Company, with perpetual succession, and with power to contract and be contracted with, to sue and be sued, in the courts of this State and elsewhere, as natural persons; to use a common seal, and with power to renew or alter the same at pleasure.

§ 2. That the capital stock of said Paducah and Jackson Railroad Company shall be two millions of dollars, divided into shares of one hundred dollars each, and which may be subscribed for by any individual or corporation; and the corporation hereby created shall have power to subscribe for stock in any other railroad or bridge company.

§ 3. That said Paducah and Jackson Railroad Company shall have the right to build and operate a rail-

road in the county of McCracken, in the city of Paducah, from any point in said city, or from the terminus of any bridge or transfer that may be established across the Ohio river or Tennessee river in said county, to any station or depot in said city, or to a junction or intersection with any other railroad, with necessary branches to reach any manufacturing or industrial establishment in or near said city; and may extend its line of road southwardly, by single or double track, to the Tennessee State line, at such point as the company may select, in Graves or Callo-way counties; and may consolidate its stock and property with the stock and property of any other connecting railroad within or outside this Commonwealth, with which it may form a continuous but not a competing line, under such name and terms as the consolidating companies may mutually agree upon; and may construct, maintain and operate a railroad transfer across the Ohio or Tennessee rivers, or both, at or near Paducah, either alone or in connection with any other company, upon such terms as may be agreed upon; and may purchase, lease or make running arrangements with any other railroad company with which it may connect, and may carry and transfer its locomotives and cars, both freight and passenger, across said rivers, or either of them, it being the intent and purpose of this act to enable and authorize the said Paducah and Jackson Railroad Company to build, own and operate a line of railway and river transfer from some convenient point in the city of Paducah or county of McCracken to any such bridge or transfer landing, and connect the same with a line of railway in the State of Illinois by bridge or river transfer; and may establish and construct such depots, sidings, turn-outs, turn-tables, round-houses, shops and offices as may be deemed necessary or expedient in the operation and management of said railroad; and may purchase, lease, or otherwise ac-

May locate and
build railroad.

General powers
and privileges.

quire and hold, real or personal property for the use and accommodation of said railroad tracks, transfer landings, river transfers, depots, sidings, turn-outs, round-houses, shops and offices, and other corporate purposes connected with the business of said company, and, if necessary, may sell and convey such property when not required for the purposes aforesaid.

May condemn
property.

§ 4. That when said company shall be unable to agree with the owner or owners of any land, or other real estate or improvements which may be desired or required for the purposes of said company, for the purchase or use of the same, or if such owner or owners, or any of them, labor under such legal disabilities to prevent them from contracting with said company or its authorized agents, or if such owner or owners be non-residents of the county of McCracken or State of Kentucky, the said Paducah and Jackson Railroad Company is hereby authorized to proceed to condemn such land, real estate, or improvements which, in its judgment, may be required for the purpose or business of said company, as is provided by the Statutes of Kentucky in the act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11, 1882.

May issue and
sell bonds.

§ 5. That to enable the said Paducah and Jackson Railroad Company to carry out the objects and purposes of this act, said company is hereby authorized to issue and sell its negotiable bonds, bearing a rate of interest not to exceed six per centum per annum, the principal and interest to be made payable at such times and places as said company may determine; and may secure the payment of the same by mortgage on its property, rights, and franchises in this Commonwealth, either separately or in connection with its property, rights and franchises out of this Commonwealth. Any consolidated company, of which this company may form a constituent part,

shall have the same or like powers as are herein granted.

§ 6. That the city of Paducah may subscribe to the capital stock of said railroad company in any amount City of Paducah may subscribe aid. not to exceed one hundred thousand dollars, and pay for the same in the bonds of said city at par; said bonds to be made negotiable and payable in such sums and at such place as the city council of said city may deem proper, and may bear a rate of interest not to exceed five per cent. per annum; said interest to be represented by coupons attached to said bonds, and to be paid semi-annually; said bonds to be signed by the mayor, and countersigned by the city clerk of said city, by engraved signature. But before any such subscription becomes valid and binding on said city of Paducah, the same shall be submitted by the city council of said city to the legal voters of said city, at a general or special election, and voted for affirmatively, by a majority of all the legal voters in said city, as appears in the last assessor's book. The city council shall have the power to fix the time when said election shall be held, and the mayor, clerk, and city marshal of said city shall compare the polls and certify the result to city council of said city.

§ 7. That the counties of Marshall and Calloway, in the State of Kentucky, may subscribe to the capital stock of said railroad company in an amount not to exceed seventy-five thousand dollars each, and pay for the same in the bonds of said county or counties at par; said bonds to be negotiable and payable in such sums and at such places as the county judges, respectively, of said counties may deem proper, and may bear a rate of interest not to exceed six per centum per annum; said interest to be represented by coupons attached to said bonds, and to be paid semi-annually; said bonds to be signed by the county judges, respectively, of said counties, and countersigned by the clerks, respectively, of the Marshall and Calloway counties may subscribe aid.

county courts of said counties, and the coupons to said bonds may be signed by the clerks, respectively, of said counties by engraved signature; but before any such subscription shall become valid and binding on said county or counties, same shall be submitted, in its discretion, by the county courts, respectively, of said counties (each acting by itself and not in any sense dependent upon the action of the other), to the legal voters of said counties, respectively, at a general or special election, and voted for affirmatively by a majority of those who vote at said election. The county courts, respectively, of the said counties shall have the power to fix the time when said election shall be held; and in case of special election they shall appoint judges of the election, and the county judge, sheriff and county clerk shall compose the board, whose duty it shall be to compare the polls and certify the result.

County courts to
order elections.

§ 8. The incorporators herein named shall constitute the first board of directors of said company, and may organize same and provide for subscriptions of stock to said company, the meeting of stockholders, the election of directors, and other necessary provisions for the carrying on of the corporate business of said company. The by-laws of said company shall provide for the number of directors after the first election, which shall take place within twelve months of the organization of said company. Said directors shall consist of not less than three (3) and not more than seven (7), who shall be stockholders of the said company.

Board of directors.

§ 9. That no bonds on the counties of McCracken, Calloway or Marshall shall be issued to or placed in the hands of the railroad company until the road shall be completed and operated, and cars running through said counties: *And provided further*, That said railroad company actually begin work within a period of two years from the passage of this charter, and complete ten miles of road each year thereafter,

When county
bonds are to be
issued.

until the entire road is completed through the said counties of McCracken, Calloway and Marshall: *And provided further*, That no election shall be ordered in said counties until the railroad company deposit money with the county judges of the said counties in a sum equal to pay the expenses of said elections: *Provided further*, That when the railroad company constructs and operates and runs its cars through any one of the said counties, then the bonds of the said county shall be issued and placed in the hands of the said railroad company.

§ 10. This act shall take effect and be in force from its passage.

Approved February 25, 1888.

CHAPTER 302.

AN ACT to incorporate the Planters' Bank of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of Capital stock. deposit in the city of Paducah, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed for and paid for as hereinafter specified, and the subscribers and their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Planters' Bank of Paducah;" and shall be Corporate name. capable in law of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatsoever. It may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the direction and Directors. control of seven directors, each of whom shall be a stockholder. The first board of directors shall be

- Election.** chosen at the first meeting of the stockholders, and after the first election the directors shall be elected annually, on the first Monday in January in each year, and shall hold their offices until their successors are elected and qualified. In voting for directors, each share of stock shall entitle the holder to one vote, to be cast in person or by proxy; the stockholders receiving a majority of all the votes cast shall be declared elected directors; if, on the first balloting, there should not be seven elected, the ones receiving the lowest number of votes shall be dropped, and new ballotings had, until seven are elected. Said directors shall elect one of their number president, and one cashier, and shall have the power to appoint subordinate officers and agents necessary or proper to carry on the business; and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of the business, and shall pay their officers, agents, and servants such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; and said corporation shall have a lien on the stock to secure any indebtedness by the stockholders to said corporation for any unpaid balance on subscription to said stock.
- President.**
- By-laws.**
- Declare dividends.**
- Incorporators.** § 3. Thomas H. Hays, I. D. Wilcox, Hugh Mulholland, Jr., and W. A. Gardner are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when five hundred shares of the stock shall have been subscribed for, it shall be their duty to give

notice in one daily paper published in the city of ^{Publication.} Paducah, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payment of the shares shall be made as follows: Fifty dollars on each share at the time of subscribing, and twenty-five dollars on each share, payable sixty days thereafter, and twenty-five dollars on each share, payable one hundred and twenty days thereafter; and should any of the subscribers fail to pay for their stock as herein provided, the directors may, by resolution entered on their records, forfeit such stock and resell the same at such times as they may deem expedient; and after paying the corporation what is due on said stock, shall pay the balance over to the subscribers. Said corporation may commence business as soon as twenty-five thousand dollars shall have been paid in and the president shall have made oath to the fact of such payment before some judge or justice.

§ 4. Said bank may receive deposits of gold, silver, ^{Deposits.} bank notes, or other notes which may be lawfully circulating as money, and repay the same in such manner and at such times and with such interest as may be agreed upon with the depositors by special or general contract, not exceeding six per cent. per annum; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal, real, and other securities for the payment thereof; may re-discount and sell its notes, paper, bills of exchange, and bonds, in all respects as natural persons may do under the common law; and the promissory notes made payable at its banking-house, or at ^{Notes made as foreign bills of exchange.} any other bank or place of business, and inland bills which may be discounted by it, shall be, and the same are hereby, placed upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers and indorsers.

§ 5. The said corporation may acquire and hold,

Real estate.

possess, use, and occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, judgment or decree, and sell and convey the same; and they may make such by-laws as they deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States; but said bank shall not hold any real estate purchased by or conveyed to it in satisfaction of any debt, judgment or decree for more than five years.

§ 6. Said corporation shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stocks, merchandise, or other property in pledge for security for money loaned on debts owing; may loan money in or out of the State; and it may sell and convey all securities in case of default in payment of debts due the corporation.

§ 7. The corporation may increase the capital stock to an amount not exceeding five hundred thousand dollars by a vote of two-thirds of the stock at a meeting held after thirty days' notice of the object of the meeting being published in a daily paper in the city of Paducah for at least ten days.

§ 8. This act shall be in force from its passage, and be in force for thirty years.

Approved February 27, 1888.

CHAPTER 304.

AN ACT to amend and to consolidate into one company the Cynthiana and Claysville Turnpike Road Company and the Cynthiana and Indian Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Cynthiana and Claysville Turnpike Road Company and the Cynthiana and Indian Creek

Turnpike Road Company are hereby consolidated and reduced into one company, the name of which shall be known as "The Cynthiana and Claysville Turnpike Road Company." Said two roads shall hereafter, for all purposes, be treated as one road, and the management and conduct thereof shall be according to the provisions of the present charter of the Cynthiana and Claysville Turnpike Road Company. The road shall be under the control of one board of directors.

§ 2. This act shall take effect from its passage.

Approved February 27, 1888.

CHAPTER 305.

AN ACT to amend an act, entitled "An act to incorporate the Pendleton Agricultural and Mechanical Association."

WHEREAS, The Pendleton Agricultural and Mechanical Association has heretofore borrowed three thousand and five hundred dollars at ten per centum per annum interest, for the purpose of paying off its accumulated indebtedness, and on the 27th day of October, 1887, executed to Geo. R. Rule its note and mortgage for said loan,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Pendleton Agricultural and Mechanical Association, and acts amendatory thereof, be, and the same are hereby, so amended that the said association may borrow money and execute a mortgage on its grounds near Falmouth to secure a sum not exceeding five thousand dollars: *Provided, however,* That said grounds shall not be mortgaged for any purpose other than to raise money to pay necessary expenses and indebtedness; and of the money that may be so borrowed the said mortgage note heretofore executed must be first paid, which

may be done either before or at maturity, the holder of said note and mortgage agreeing and consenting thereto: *And provided further*, That the indebtedness of said association shall in no event be increased by reason of any power given in this act; and there shall be no mortgage or note executed until after the approval of the order directing it by the board of directors, which order shall be directed to the treasurer, and must state the amount; and he shall borrow and execute the association's note and mortgage for the amount stated in the order, signing his own name "Treasurer Pendleton Agricultural and Mechanical Association."

§ 2. That the amendment to said charter approved April 25, 1886, is hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 27, 1888.

CHAPTER 306.

AN ACT to change the boundary line between the counties of Allen and Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Allen and Barren be changed so as to include the residence of John W. Hunt and the land upon which said Hunt resides, in the county of Barren: *Provided*, The property embraced in this act shall remain subject to taxation in Allen county as heretofore for railroad, bonded, or other indebtedness incurred by said county.

§ 2. This act shall take effect from its passage.

Approved February 27, 1888.

CHAPTER 307.

AN ACT to amend an act, entitled "An act to charter the Cairo Tennessee River Railroad Company," approved March 10, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in all cases where land is condemned for the right of way of said railroad, and an award is made in favor of the land-owner, the said company, in case it is satisfied with the same, shall have the right to deposit at once for the use of such land-owner the amount of money so awarded in the office of the county clerk of the county in which the lands are situated ; and thereupon said railroad company, by its servants and contractors, shall have the right to take immediate possession and proceed with the construction of said road over said land ; but in case said company is dissatisfied with said award, and shall appeal therefrom as required by law, or in case of an appeal therefrom by the land-owner or owners, then, in either such case, the said company shall have the right, upon executing a good and sufficient bond to such land-owner or owners in double the amount of such award, with security, to be approved by the county judge of the county in which said land is located, conditioned that said company will pay the amount awarded against it upon the final determination of such proceedings, to enter upon and take immediate possession by its servants and contractors of said land or lands so sought to be taken : *Provided, however,* That in all cases of an appeal, if taken by the land-owner, and he shall fail to increase the award so appealed from, or if taken by the road and it fail to decrease said award, the costs of such appeal shall be taxed against the party so appealing.

§ 2. The said railroad company shall have the right to take, use and cross any highway, private way,

street, or alley in any county, city or town for the use of their said road upon the consent of the corporate authorities of such county, city or town.

§ 3. Said railroad company shall also have the right, May consolidate with other roads. upon resolution of the board of directors so to do, to unite and consolidate its powers and franchises with that of any other railroad company now or hereafter to be incorporated under the laws of this or any other State, whose road may connect with the road of the said Cairo and Tennessee River Railroad Company; and such consolidated company shall have, possess, and enjoy, all and singular, the various rights, privileges, and powers of the several companies so entering into such consolidation, with further right upon such consolidation of changing its corporate name and seal in such manner as it may see fit; and it shall be lawful in such articles of consolidation for the companies so consolidating to name the persons who shall constitute the first board of directors for such consolidated company, who shall hold their offices until others are elected under the rules and by-laws of such new company. A certified copy of the resolutions of the board of directors of companies so consolidating, together with the agreement of consolidation, shall be filed in the office of the Secretary of State; and a certified copy of such record so filed shall, when authenticated under the seal of the State, be received in all courts and places as evidence of such consolidation. No vote or subscription of stock as may have been made to the capital stock of any companies so entering into such consolidation by any county or incorporated city or town shall be forfeited by reason of such consolidation; but all such subscriptions shall inure to the benefit of, and become vested in, such consolidated company, the same and as fully as if originally made thereto. But after any such consolidation, no county, city, or town, or other civil division, shall have the right to subscribe for stock in said consolidated companies, except by a majority

vote of the legal voters of such county, city, or town ; and said vote shall not be submitted to the county except by consent of the county judge and a majority of the board of magistrates of such county, or to any such city or town except by consent of its council or trustees.

§ 4. Said Cairo and Tennessee River Railroad Company shall have the further right to lay out, locate, construct, maintain and operate, with one or more tracks, any branch line from or extensions of its main line or spurs of track, not exceeding twenty miles in length, from any point upon its main line to any point or place in the State of Kentucky, the same and as fully as if these privileges had been mentioned in the original act incorporating said company ; and said railroad company may make its western terminus at or near the city of Metropolis, on the Ohio river, or any point on said river or Mississippi river between said city of Metropolis and Fort Jefferson on the last named river. Branch lines.

§ 5. That the various counties and incorporated cities and towns in this State, through, into or near which, the line of said Cairo and Tennessee River Railroad Company or any of its branches may run, are herein and hereby authorized to subscribe and own stock in said railroad company in such an amount as they, or either of them, may desire, and may issue their bonds respectively to pay for same, bearing interest from date, at a rate not to exceed seven per cent. per annum, payable annually by coupon certificates, which principal and interest of said bonds may be made payable at such time and places, after due, in or out of the State, as may be designated in the proceedings under which same are voted, or agreed upon after stock is taken. Counties cities and towns may take stock.

§ 6. That whenever the county judge, together with the board of magistrates of any county, or the council or trustees of any city or town, may deem it advisable to submit to the qualified voters of any such county, Election, how held.

city or town, a proposition to subscribe for a designated amount of the capital stock of said railroad company, and to issue a like amount of bonds of such county, city or town to pay for same, thereupon the county judge of the county, or mayor or presiding officer of such city or town, shall, at once, make the proper order or orders, causing and directing an election to be held at the earliest practicable date, not less than twenty nor more than sixty days thereafter. Said order shall also designate the terms and conditions upon which such subscription is proposed to be made, and such bonds to be issued and also the place or places at which, and the time when, such election shall be held, and the manner in which notice of the holding of said election shall be given. The county clerk of the county, or clerk of such city or town, as the case may be, shall thereupon promptly make out a certified copy of such order, and deliver the same to the sheriff of the county, where and in which such order is made, and the said sheriff shall, upon receipt of such order, execute the same as directed therein, by giving the notices of any and all elections to be held under the provisions of this act. In all respects such election shall be conducted and held, and returns of the same made, in the same manner as elections are now held for county, city or town officers.

Duty of county
judge if question
carries.

§ 7. In case of a majority of the qualified voters voting at such election shall vote in favor of making such subscription, then it shall be the duty of said county judge, in the name of, and in behalf of such county, or the mayor or presiding officer, in the name of, and in behalf of said city or town, forthwith to make such subscription for the municipality so voting for the same, and to cause such bonds to be prepared and properly executed, ready to be delivered when the terms upon which same were voted shall have been complied with.

Bonds.

§ 8. The bonds of such county issued for stock under the provisions hereof shall be signed by the

county judge and countersigned by the county clerk, with the seal of the county affixed, the coupons to be signed by the clerk only; those of cities and towns shall be signed by the mayor or presiding officer thereof, and countersigned by the clerk thereof, with the corporate seal thereof affixed, when they have a seal, the coupons to be signed by the clerk only.

§ 9. The authorities having jurisdiction of such matters are hereby authorized and required, annually, to levy and collect a tax upon the taxable property in such county, city or town, as may have issued any of such bonds, as is listed and taxed under the revenue law of this State, a sum sufficient, in addition to the other taxes, to pay the interest as it accrues on said bonds, together with the costs of collecting said tax. They are also authorized and required to make provisions for paying said bonds at their maturity, and to establish a sinking fund for such purposes; and the taxes so collected, from time to time, for such purposes, shall be faithfully applied to the payment when due and where due of the interest and principal of said bonds. Said taxes shall be collected by the sheriff of the county, and he shall be responsible on his official bond for the collection and payment of same.

Tax to pay
bonds, how col-
lected.

§ 10. Work upon said road shall, in good faith, be begun within two years from the passage of this act, and completed within five years, otherwise said charter shall be forfeited as to all of said road not built.

Work, when to
be commenced.

§ 11. This act shall take effect from and after its passage.

Approved February 25, 1888.

CHAPTER 308.

AN ACT to amend an act, entitled "An act to incorporate the Deposit Bank of Sulphur," approved March 16, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Deposit Bank of Sulphur," be amended by striking out the word "seven," in the second line of section 3 of said act, and inserting in lieu thereof the word "eleven."

§ 2. The directors who are now acting shall have the power to appoint enough additional directors to make the number eleven, who shall serve with the present directors until the next regular election of directors.

§ 3. This act to take effect from its passage.

Approved February 27, 1888.

CHAPTER 309.

AN ACT to confirm and ratify a contract between the "Commissioners of Court-house District," in Campbell county, and the city of Newport, dated April 19, 1883.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Preamble and
ratification of
contract.

§ 1. That a contract dated April 19, 1883, by and between the "Commissoners for the Court-house District," in Campbell county, and the city of Newport, in words and figures as follows: Whereas, the Commissioners of the Court-house District were, by an act of the General Assembly of the State of Kentucky, entitled "An act to authorize the construction and maintenance of a court-house in Newport, in Campbell county," approved April 17, 1882, created and authorized to build a new court-house in the city of

Newport on the site of the present court-house; and whereas, the present court-house is built on what is known as the "public square," upon which is also built other public building, including two buildings fronting in a line with and immediately with of the present court-house, one used for offices, in part for city and in part for county officials, and the other solely for city officials; and whereas, the site of said two buildings is necessary to the proper construction of said new court-house; and whereas, it is further necessary to the proper construction of said new court-house that a sewer be constructed from the said new court-house to the Ohio river; and whereas, it is desirable for, and beneficial to, the general public that the offices of both county and city officials should be in the same building; now, therefore, this contract, entered into this nineteenth day of April, 1883, by and between the "Commissioners for the Court-house District," party of the first part, and the city of Newport, party of the second part, witnesseth: that in consideration of the party of the second part allowing the party of the first part to tear down the two buildings north of the present court-house in the preamble mentioned, use the material therein and the site thereof for building said new court-house, and the further consideration of the party of the second part furnishing water without charge, and building and keeping in repair a sewer from said new court-house to the Ohio river, all of which several things the party of the second part hereby contracts and agrees to and with the party of the first part to do, the party of the first part contracts and agrees to and with the party of the second part that they will provide suitable rooms in said new court-house for the perpetual use of the party of the second part, one in which the mayor's court may be held, and for a mayor's office, a city treasurer's office, a city clerk's office, a city engineer's office, a water-works office, and an office for

the chief of police; said offices to be furnished, including the building of necessary vaults for the safe-keeping of records by the party of the second part; the party of the second part to light and heat said rooms and to pay the janitor for said building, who is to be employed by the parties of the first part. This contract is to have no binding force or effect until ratified and approved by an act of the Kentucky Legislature. In witness thereof, the parties hereto have, the day and year first above mentioned, set there hands hereto and a duplicate hereof. The party of the second part, by its mayor, pursuant to the order of its board of councilmen, Wm. H. Har- ton, mayor; George E. Clymer, R. W. Nelson, John Cline, be, and the same is hereby, ratified and confirmed, and power and authority vested in the parties to the same to so contract; and said contract shall be enforceable and binding on each of said parties as though, at the execution thereof, each had the power and authority to so contract.

§ 2. This act shall be in force and effect from and after its passage.

Approved February 27, 1888.

CHAPTER 310.

A BILL to amend the charter of the Grayson County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Grayson County Bank," approved May 13, 1886, be, and the same is, amended so as to add the word "collateral" after the word "take," in the last line on page 568, second volume of the Acts of 1885-6, so as to read "take collateral, personal and other security."

§ 2. That the board of directors of said bank may, at such times as desired, with the consent of the

holders of two-thirds of the stock, reduce or increase the capital stock or the surplus of said bank: *Provided*, That the capital stock shall at no time be reduced below the minimum authorized by the original act of incorporation.

§ 3. This act shall take effect from and after its passage.

Approved February 27, 1888.

CHAPTER 311.

AN ACT to amend the several acts in relation to the Russellville Banking and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Russellville Banking and Warehouse Company," approved March 11, 1873, as amended by an act, entitled "An act to amend an act, entitled 'An act to incorporate the Russellville Banking and Warehouse Company,'" approved March 16, 1886, be, and the same is hereby, amended by striking out the word "seven," in the second section of said original act, and by striking out the word "five" in the first section of said amendatory act, and by inserting in lieu thereof the word "three" in each of said acts.

§ 2. The annual meeting of the stockholders of said bank shall be on the fourth Tuesday of March of each year, instead of on the day fixed by the original act of incorporation.

§ 3. This act shall take effect from its passage.

Approved February 27, 1888.

CHAPTER 312.

AN ACT to incorporate the Farmers' Safety Trust Banking Company,
of Pleasureville Depot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation. § 1. That there is hereby established a Savings and
Capital stock. Trust Deposit Bank in the town of Pleasureville,
Kentucky, with a capital of twenty thousand dollars,
which may be increased, by order of the directors of
said bank, to any sum not exceeding one hundred
thousand dollars, in shares of one hundred dollars
each, to be subscribed and paid for as hereinafter
specified; and the subscribers, their associates, suc-
cessors and assigns, shall be a body-politic and cor-
porate, by the name and style of the Farmers' Safety
Corporate name and powers. Trust Banking Company, and shall so continue for
thirty years from the passage of this act, and shall
have all the rights and privileges of a natural person
in contracting and being contracted with, in suing
and being sued, and of impleading and being im-
pleaded, answering and defending, in, and by the
name of the Farmers' Safety Trust Banking Com-
pany, in all courts and places whatever. Said bank
may have and use a common seal, and change the
same at pleasure.

Management. § 2. Said bank shall be under the control and man-
agement of not less than seven nor more than twenty-
one directors, as the by-laws may from time to time
regulate and prescribe, who shall be stockholders,
owning each in his own right at least five shares of
Election. stock. They shall hold their offices until their suc-
cessors are elected and qualified; and after the bank
begins business shall be elected on the Tuesday after
the first Monday in January of each year: *Provided*,
That should such election fail to be held upon that
day, the directors shall order an election to be held
as soon thereafter as practicable by sending written

or printed notices to each stockholder at least seven days before the day appointed for such deferred election. Each stockholder in said bank Voting stock. shall be entitled to cast, either in person or by proxy, one vote for each share of stock held by them. In case of a vacancy in the board of directors the remaining directors shall have power to appoint a qualified stockholder to fill it until the next regular election. The directors shall elect one of President. their number president, who shall preside at their meetings and perform such other duties as may be assigned to him by this charter and their by-laws; and they may also elect a vice-president to act and preside in the absence of the president. The directors shall have power to sell any and all of the stock remaining unsold; to declare dividends of the profits Declare dividends. out of the business of the bank; to appoint such officers, agents and employes as they may deem necessary to conduct the business of the bank, and to pay them for their services; to take from the president, cashier and other employes such bonds as they may deem proper and reasonable, to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper By-laws. management of the affairs of the bank: *Provided*, The same be not contrary to the laws of this State or of the United States. The stock shall be personal property, and shall be transferable only on the books of the bank by the stockholder or his attorney, under such rules and regulations as the directors shall from time to time establish.

§ 3. That Charles Abrahams, David Adams, Jas. P. Incorporators. Bryant, Sam. H. Bryant, Joel H. Clubb, Burel Clubb, J. T. Campbell, Thos. B. King, Presley McGuire, E. B. Nash, R. H. Shuck, Berry Thompson, Cornelius B. Tucker, John Thomas, and Van. Snook are hereby constituted and appointed a board of directors of said corporation, to serve as such until others are duly elected and qualified as provided herein. After this

act becomes a law, the above named directors shall be notified of a meeting of the directory as soon as convenient; and should as many as five meet at that time, they can organize after electing a president, vice-president and cashier, to act until their successors are duly elected and qualified. Said body then in session may appoint one or two of the directors to open books and receive subscriptions to the capital stock of said bank, and when twenty thousand dollars shall have been subscribed and ten thousand dollars paid in, said corporation may begin business.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such rates of interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and other evidences of debt; take personal and other securities for the payment of the same, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and pass a valid title to the same; and the promissory notes made negotiable and payable at its banking-house or office, or at any incorporated bank, or at any bank organized under the laws of the United States, and inland bills which may be discounted, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, makers, drawers, and indorsers thereof; and the said bank shall also possess, and have the power to receive upon deposit for safe-keeping, jewelry, plate, stocks, bonds and valuable property of every kind, in such manner and upon such terms as may be prescribed in the by-laws of the said corporation; and for its services

Officers.

Begin business.

Receive deposits.

Notes made, as
foreign bills of
exchange.

Safety deposits.

the said company may charge and receive such rates of compensation as may be fixed by law, where such rates are fixed by law, or when not so fixed, such rates of compensation not contrary to law as are reasonable, usual and customary, or as may be agreed upon between said company and its customers.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid. May receive deposits from minors and women.

§ 6. Said bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be purchased in satisfaction of any debt, judgment or decree, and sell and convey the same or any part thereof, but shall resell the same within five (5) years. Real estate.

§ 7. It shall not be lawful for said bank to issue any note or bill to circulate as money.

§ 8. The private property of the stockholders shall not be subject to the corporate debts. Private property not liable for corporate debts.

§ 9. The president, directors and other officers of this bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace, police judge or notary public of this State, faithfully, honestly, truly, and to the best of their ability, skill and judgment to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated, and should any occur without their concurrence, that they will immediately report the same to the Attorney-General of this Commonwealth. Oaths and bonds

§ 10. That the president and directors of this bank be, and they are hereby, authorized and empowered to wind up the affairs of said bank whenever, by a vote of two-thirds of the paid-up capital stock, shall

determine that the community and the interest of the company do not require its continuance.

May go into
liquidation.

§ 11. To effect this the president and directors shall have all the powers which may be necessary and proper to wind up and liquidate the affairs of said bank upon just and equitable principles.

§ 12. This act shall take effect from its passage.

Approved February 27, 1888.

CHAPTER 313.

AN ACT for the benefit of Henry Krapp, of Louisville.

WHEREAS, On the 26th day of August, 1886, Henry Krapp, of Louisville, paid to the clerk of the Jefferson county court the sum of one hundred dollars for State license to keep a coffee-house in Louisville, Kentucky, for the year beginning September 1, 1886, and ending on the first day of September, 1887; and whereas, on the first day of September, 1886, the general council of the city of Louisville granted him the privilege of keeping a coffee-house as aforesaid, but afterwards, on the 30th day of September, 1886, the said general council revoked his license theretofore granted, and he was deprived, on account of no fault on his part, of carrying on his said business for eleven months of the time granted him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized and directed to draw his warrant in favor of Henry Krapp, of Louisville, Kentucky, upon the Treasurer, for the sum of ninety-one dollars and sixty-five cents.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor February 28, 1888.]

CHAPTER 314.

AN ACT to charter the Central City Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a a Corporate powers, name, etc. body politic and corporate, by the name of the "Central City Water Company," with power and authority to build and operate water-works for the purpose of supplying said town and vicinity, and the inhabitants thereof, with water.

§ 2. That the capital stock of said company shall Capital stock. not exceed one hundred thousand dollars, divided into shares of one hundred dollars each; but the said company may organize and commence business when the sum of ten thousand dollars is subscribed. The capital stock may be increased from time to time to meet the needs of its business by a vote of two-thirds of its stockholders; and said company shall have the right to borrow money and issue bonds of said corporation or company, payable at such times and places as may be agreed; and for the security and payment of said bonds may mortgage any or all the said property of said corporation to the party or corporation from whom said money is borrowed, or any other person or persons. Said bonds may be made to draw interest at any rate not to exceed six per cent. per annum, and shall be issued only by a vote of two-thirds of the stock of its stockholders.

§ 3. The said corporation may purchase, take and May own real estate. hold in fee-simple, or for any less estate, any lands necessary for the objects of this act and for the convenient management of the concerns of the corporation; and may acquire the right to lay their pipes and aqueducts through any land through which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery and reservoirs as may

be required for the purposes aforesaid. If the proprietors of any lands which the said corporation may need for any of the purposes aforesaid, or the right of way which the corporation may require for laying its pipes and aqueducts, do not agree with the company what price shall be paid therefor, then the company may acquire such land or right of way by writ of *ad quod damnum* under the provisions of an act, approved April 11, 1882, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," to the same effect as if the proceedings therein provided had been set out herein at large.

§ 4. The corporation is hereby authorized and empowered to take water from Green river or any other stream, and lay its pipes and aqueducts under or over or along any railroad, right of way, highway or street, including the streets, alleys and public places of Central City; but this shall be done in such a manner as not to obstruct the passage thereof; and in laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes or aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth and pavement to be replaced, so that the same shall be in as good condition as before the removal.

§ 5. The town of Central City is hereby authorized and empowered to contract with the said company for water for extinguishing fires and for other public uses, by ordinance passed by the board of trustees of the said town, for such time and upon such terms as the said board of trustees and the said company may agree; which terms may include a guarantee by the said town of the principal and interest, or either of the whole or any part of the mortgage bonds which the said company may issue: *Provided, however, That*

Water, where
and how used.

such ordinance shall be subject to ratification by the qualified voters of the said town, at a special election held at least ten days after notice of such election, published by direction of said board of trustees in some newspaper of Central City; and should such ordinance fail of ratification, it or another ordinance may be submitted in like manner from time to time for ratification; and the ordinance which may be ratified by the majority of votes at such special election shall become and be binding as a contract upon the said town.

§ 6. The said corporation is hereby empowered to contract with consumers of the water which may be conducted through its pipes and aqueducts; and the said corporation may make all reasonable rules and regulations for the transaction of its business, and as to the manner and times in which said water may be taken and used.

§ 7. That John R. Collins, Lawson Reno, Dan. Fitzgibbons, Wm. H. Clark, James Stephens, George Griswold and George B. Dovey, or any three of them, shall, within three years of the passage of this act, open suitable books in the town of Central City for the subscription of stock, first giving ten days' notice of the time and place of opening the same, by advertising in some newspaper of Central City, and may receive the subscriptions of individuals and corporations for stock; and it shall be the duty of the person who may thus open the books for subscription, after the sum of ten thousand dollars has been subscribed, to call, by like advertisement, a meeting of the stockholders, who may proceed to elect five directors to govern and conduct the affairs of the company. Each director shall be the owner of at least one share of stock, and such stockholder shall be entitled to one vote for each share of stock he or she may own in the election of directors, who shall hold their offices for one year, and until their successors are elected and qualified. The

Contract with
consumers.

Names of those
authorized to
open books.

president and other officers shall be elected by the board of directors, the president being one of their number. The president shall give ten days' notice in a newspaper in Central City of the approaching election, and all subsequent elections shall be held as the first. The board may fill any vacancies that may occur during the year.

Penalty for defiling or corrupting water.

§ 8. If any person shall defile, corrupt, or make impure any water used by said corporation, or destroy or injure any pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit to the use of said corporation treble the amount of damages sustained thereby; and if done willfully and maliciously, shall, in addition to said damages, be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding one year; and the circuit court of Muhlenberg county shall have jurisdiction to enforce this law.

Corporate powers.

§ 9. The said corporation, in its corporate name, may sue and be sued, plead and be impleaded, and contract and be contracted with, and do all other acts necessary and proper for the purpose of the corporation.

Stock.

§ 10. If all the stock is not subscribed when the books are first opened, the directors may again open said books for the subscription of stock, or may sell or may otherwise dispose of said stock.

Certificates of stock, how issued.

§ 11. Certificates of stock shall be issued to the holders thereof when the same shall be paid for in full, and stock in this company shall be considered and pass as personal estate, and shall be transferable on the books of the company as the directors shall, by their by-laws, prescribe.

§ 12. The said Central City Water Company shall erect its works within two years or forfeit its charter.

§ 13. This act shall take effect and be in force from and after its passage.

Approved February 27, 1888.

CHAPTER 315.

AN ACT to amend an act, entitled "An act to incorporate the Limestone Mutual Fire Insurance Company, of Maysville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 14 of an act, entitled "An act to incorporate the Limestone Mutual Fire Insurance Company, of Maysville, Kentucky," approved April 1st, 1880, be amended by striking out the word "twenty," where it first occurs in said section, and inserting in lieu thereof the word "fifteen."

§ 2. That this act shall take effect from and after its passage.

Approved February 27, 1888.

CHAPTER 316.

AN ACT to incorporate the People's Bank of Bagdad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created and established a bank of discount and deposit in the town of Bagdad, Kentucky, under the name and style of People's Bank of Bagdad, with a capital stock of not less than thirty thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars (\$100) each, and the subscribers, their associates and assigns, are hereby created a body-politic and corporate, under the above name and style, and as such may sue and be sued, plead, answer and defend, in all courts of this and other States and of the United States; acquire, buy, rent, sell, use, and dispose of such real and personal property as may be necessary for the transaction of its business; receive on deposit gold, silver, money, and

valuables; loan money, buy and sell and discount promissory notes, bills of exchange, stocks, bonds, securities, and evidences of debt, and do a general banking business; have all the rights of a natural person; use and adopt a common seal, and amend or alter the same.

§ 2. S. H. Bryant, James Baskett, A. A. Baily, Virgil Lewis, E. J. Doss, and J. J. Long are hereby constituted a board of Commissioners to open books for subscription to stock in said bank; and when ten thousand dollars (\$10,000) of stock shall have been subscribed and paid in, said bank may organize and proceed to business.

§ 3. The officers of said bank shall consist of a president, vice-president, cashier, and board of directors; the number of directors and the manner and time of electing them, and the president, vice-president and cashier, shall be fixed by the by-laws to be enacted by the corporators, but may be changed from time to time by the directors of said bank.

§ 4. Said bank may receive the deposits of married women and minors.

§ 5. Promissory notes and bills of exchange, or drafts made negotiable and payable at said bank, or any other bank or banking-house organized under the laws of this State or the United States, when discounted by said bank, shall be, and are hereby, placed on the footing of foreign bills of exchange, and like remedy may be had thereon against the makers, drawers, and indorsers, severally and jointly.

§ 6. The private property of the stockholders shall not be liable for the debts of said bank.

§ 7. Each stockholder shall be entitled to one vote for each paid-up share of stock held by him, and shall forfeit same on his refusal or failure, after due notice of twenty (20) days, to meet any assessment made by the corporators or by the board of directors on said stock; and upon such forfeiture, the directors may resell the same to pay such assessments, and any

balance of the price of said stock shall be credited to said stockholders.

§ 8. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. That this act shall take effect from its passage, and continue in force thirty years.

Approved February 27, 1888.

CHAPTER 317.

AN ACT to amend an act incorporating the Daviess County Fair Company, approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the Daviess County Fair Company," approved May 12, 1884, be, and the same is hereby, amended as follows:

§ 1. That all policemen or watchmen appointed under section 5 of the act approved May 12, 1884, shall have the power to prevent blocking of the public highways in Daviess county, Kentucky, opposite the grounds owned by the Daviess County Fair Company, and to prevent all persons from riding or driving upon said highways in a way to endanger human life or property, and to prevent person or persons from interfering with travel on said highway.

§ 2. That it shall be deemed a public offense for any person, during any meeting of the Daviess County Fair Company, to ride or drive upon any of the public highways or roads opposite the grounds owned by the Daviess County Fair Company in a reckless manner, or in such a way as to endanger human life or property, or to lead or carry any live stock upon said highways in such a way as to endanger life or property, or with a view of annoying the traveling public or the Daviess County Fair Company, and that for each offense the offender or offenders shall be fined from

ten dollars to twenty-five dollars for each offense, to be recovered by warrant in the name of the Commonwealth of Kentucky, before any justice of the peace for said county: *Provided, however,* That the policemen or watchmen appointed by the Daviess County Fair Company shall have the power to make arrest for any act committed in their presence without a warrant, but they shall take the person or persons so arrested before some justice of the peace, who shall forthwith proceed to try the case.

§ 3. That said fair company shall have the power to sell, or permit to be sold, on its grounds, pools on any and all races or trials of speed that may be run or trotted upon its course or grounds.

§ 4. This act to take effect from and after its passage.

Approved February 27, 1888.

CHAPTER 318.

AN ACT to amend an act, entitled "An act authorizing the voters of Owen county to vote at the August election, 1884, on the proposition as to whether or not spirituous, vinous or malt liquors, or any mixture thereof, may be sold in Owen county as a beverage," approved May 9, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 10 of an act, entitled "An act authorizing the voters of Owen county to vote at the August election, 1884, on the proposition as to whether or not spirituous, vinous or malt liquors, or any mixture thereof, may be sold in Owen county as a beverage," approved May 9, 1884, be, and the same is hereby, repealed.

§ 2. It shall be the duty of the judge of the Owen county court to make an order upon the order-book of said court, at least sixty days' prior to the election

provided for in this act, directing the officers of the election in all the voting precincts in said county to open a poll at the regular August election, 1888, for the purpose of again taking the sense of the legal voters in said county upon the proposition whether or not spirituous, vinous or malt liquors, or any mixture thereof, shall be sold in said county as a beverage.

§ 3. It shall be the duty of the clerk of the Owen county court to furnish the necessary poll-books for conducting said election, and of the sheriff to publish a copy of the order of the county court ordering said election, in all of the weekly newspapers published in said county, not less than four weeks previous to said election.

§ 4. It shall be the duty of the officers of said election to propound to each voter who may vote this question, "Are you in favor of license, or are you in favor of prohibition?" and his vote shall be recorded on the poll-books furnished as aforesaid as he shall direct; said poll-books shall be returned as other poll-books in said election, and shall be examined and compared by the same officers now provided by law.

§ 5. If it shall be found that a majority of the legal votes cast at said election were given in favor of prohibition, then the present law now in force in said county shall continue in full force and effect; but if at said election it shall be ascertained that a majority of the legal votes cast therein were given in favor of license, it shall be the duty of the examining board to certify that fact to the county court of said county, and said certificate shall be spread upon the order-book of said court at its next regular term thereafter, and the sale of spirituous, vinous and malt liquors shall be thereafter permitted within said county under the general laws of this Commonwealth.

§ 6. This act shall take effect from its passage.

Approved February 27, 1888.

good of said town, not inconsistent with the laws and Constitution of this State, and may fix adequate penalties for the violation of such ordinances, not exceeding a fine of twenty-five dollars and imprisonment for fifteen days for the violation of any one ordinance: *Provided*, No ordinance shall take effect until a copy thereof shall have been posted up by the clerk for ten days in three conspicuous places in the town. Said trustees shall have power to license and to tax all shows, exhibitions, circuses, menageries, concerts, fairs, festivals or other entertainments, and auction sales held in said town (except by schools or churches) for money or profit, such reasonable rates as they fix by ordinance, not exceeding twenty dollars for any one exhibition, auction or entertainment for any one day or night, to be paid by the proprietor, salesman, manager or getter-up thereof.

License shows,
etc.

§ 9. They shall have power to levy and collect upon the real and personal property in said town, subject to taxation under the laws of the State, not exceeding fifty cents on the one hundred dollars' worth of property annually, and may assess a poll-tax not exceeding one dollar and fifty cents annually upon each tithe in the town, which taxes shall be applied to the improvement of the streets, alleys, road and drainage of the town, and to its other usual and necessary expenses: *Provided*, That such lands within the corporation limits as are used for agricultural purposes shall not be taxed for general town purposes, but they may be taxed at a rate not exceeding ten cents on the one hundred dollars, for the improvement of roads, walks and improvement of the town.

Agricultural
lands not to be
taxed.

Said trustees shall, for the use of said town, take possession of all buildings or property now owned by said town, or held in trust by it; and they shall have power to purchase, acquire and hold, by gift, deed or lease, any lot or lots, or parcel of land, building or buildings, necessary for the use of the town; and may lease or erect a good and sufficient building to be used

Town property.

as a lock-up for said town for the confinement of persons convicted in the police court of said town for the violation of the ordinances or by-laws of said town, or for the temporary keeping for other lawful prisoners until they can be removed to the county jail, or to any other county jail that they may lawfully belong. Lock-up.

§ 10. The said trustees shall appoint a town clerk, who may be one of their number, who shall have charge of all the books, bonds and papers belonging to said town, and shall safely keep them; who shall attend the regular meetings of the board, record all their proceedings, and perform such other duties as may be enjoined upon him by the by-laws. They shall appoint a treasurer, whose duty it shall be to receive, receipt for, and take charge of all moneys belonging to the town, and pay it out upon the order of the board; he shall keep an account of all his receipts and disbursements, and shall report once a month to the board the condition of the finances of the corporation. The clerk and treasurer shall give bond, with good and sufficient security, to be approved by the board, for the faithful performance of their respective duties, and upon default or violation of said bond, suit may be brought against the officer and his sureties in any court having jurisdiction thereof. Said officers shall hold their offices one year from the time they qualify, but may be removed for cause, at any time, at the pleasure of the board, and others appointed in their places; and they shall, upon the expiration of their term of office, or upon the qualifying of their successors, deliver to them all the books, papers, and property of the corporation, of any kind whatever, that may be in their possession. Clerk. Treasurer. Bonds required. Deliver books and property.

§ 11. On the third Saturday in May, 1888, and every two years thereafter, at the same place and time, and under the same regulations that the trustees are to be elected, there shall be elected by the same voters of said town a police judge, who shall hold his office for Time of election. Police judge.

Duties of police
jur ge.

two years, and until his successor is commissioned and qualified. The clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon the presentation of the same to the Governor of Kentucky, he shall issue a commission to said officer. He shall, by virtue of his office be a conservator of the peace, and shall, before he enters upon the discharge of his duties, be commissioned and sworn to faithfully and impartially execute all the duties of police judge of said town, and also such other oaths as are administered to justices of the peace. He shall have the same powers, authority and jurisdiction in civil, penal and criminal cases, and in addition, except when there is a vacancy in his office, he shall have exclusive jurisdiction within the limits of said town of all the infractions of the by-laws and ordinances of said town, and of riots, affrays and breaches of the peace committed within the limits thereof; and he shall have power to administer oaths, render judgments, issue executions, and collect fees, the same as now belongs to justices. He shall also have power to fine for contempt any sum not exceeding five dollars, and to imprison not exceeding ten hours. He shall have all necessary power for issuing compulsory process against parties and witnesses, and he may order a jury to try any civil case before him at the request of the parties when the amount in controversy is over ten dollars. He shall order the arrest of any drunken or disorderly person within the limits of said town, and upon such person being brought before him he may order him to be confined until he is sober, and may require a disorderly person to give security to be of good behavior for any period not exceeding one year; the bond shall be to the Commonwealth of Kentucky in any reasonable sum of not more than one thousand dollars, and his court shall be a court of record. When a peace bond is violated, the trustees of said town may institute proceedings for the breach thereof

before any court having jurisdiction of the amount in their corporate capacity, and the fine, if any assessed, shall be paid over to the treasurer of said town for the benefit of the town. A vacancy in the office of police judge shall be filled by the trustees of said town until the succeeding annual election of trustees, when the voters of said town shall elect a police judge to fill out the unexpired term, whose qualifications shall be the same as that required for the first officer herein for said office. The succeeding police judge, as soon as elected, commissioned and sworn in, shall be entitled to all the books and records of his predecessor. No appeal in civil, penal or criminal cases, where the amount involved does not exceed ten dollars besides interest and costs, shall be taken from the decisions of such judge. The fees of said judge shall be as follows: For a warrant for a riot, affray or breach of the peace, fifty cents; for a warrant for a breach of any of the by-laws or ordinances of said town, fifty cents; for swearing a jury and presiding at the trial in a penal case, or for trying same without a jury, one dollar; for taking recognizance, fifty cents; entering judgment, twenty-five cents; for each subpoena, twenty-five cents; and for all other fees same as now allowed justices. He shall hold his courts quarterly for the trial of all civil cases pending before him on the first Mondays in March, June, September and December, and may continue each term from day to day until completed; and he may try all penal and criminal cases as soon as brought before him, giving parties a reasonable time to prepare for trial.

§ 12. The board of trustees may, until the election for town officers, on the third Saturday in May, 1888, appoint a marshal for said town, whose appointment shall be entered of record; and upon a certified copy thereof being produced to the clerk of the Graves county court he shall, at a regular or special term of said court, administer to said marshal the same oaths taken by constables, and that he will faith-

Fines to be paid
to treasurer.

Fees of police
judge.

Appoint mar-
shal.

fully perform all the duties of marshal of said town according to law; and said marshal shall execute bond, with good security, in said court, as constables are required to do, with the further covenant that he will perform all the duties of marshal of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed in the clerk's office. The marshal shall pay the clerk a fee of one dollar for his trouble. The marshal and securities on his bond shall be liable thereon to the trustees of said town, and to any and all persons, as constables are liable on their bonds; and the like penalties and actions may be had thereon. The marshal first appointed by the board shall hold his office until his successor is elected and qualified.

Elect marshal.

The first election for marshal of said town shall take place on the third Saturday in May, 1888, and at the same time and place, and in the same manner, as directed in the election of trustees of said town; and every two years thereafter, on the same day of the month that the trustees are elected; and his term of office shall be two years, and until his successor is elected and qualified. The person voted for at such election for marshal, and receiving the highest number of votes cast, shall receive from the clerk a certificate of his election, and execute bond and qualify in the same manner as herein directed when the board appoints, before entering upon the discharge of his duties; and the marshal of said town shall have the same powers, authority and jurisdiction that is given to constables, and shall be under the same responsibility and liabilities for his acts.

Duties and powers of marshal.

§ 13. The marshal shall have and receive for his services the same fees and commissions allowed by law to constables for like services, and for collecting taxes and performing service for said town, such commission and fees as may be agreed upon by him and the board of trustees. It shall be the special duty of said marshal to execute all process issued

Fees of marshal.

for an alleged violation of the by-laws and ordinances of said town, and to receive and execute all process and (collect) all executions issued by the police judge of said town, in doing which he may go to any part of Graves county, or by, or at the instance of the chairman board of trustees, and to return the same, and to arrest all drunken and disorderly persons in said town, and to take them before the proper officer for trial. It shall be the duty of the marshal to collect all taxes due said town, executions and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever is entitled thereto. Marshal shall collect taxes.

§ 14. Whenever there is a vacancy in the office of Vacancy. marshal, the same may be filled by appointment of the board of trustees until the succeeding general election, and said appointee shall execute bond, and qualify, and be responsible for his acts in the same manner and to the same extent as herein required for the first appointment.

§ 15. The board of trustees may, at any time when Policemen. they deem it expedient or necessary for the public good, appoint any necessary number of policemen to assist in suppressing riots and disorderly conduct and in keeping the peace, and pay such policemen such sum as may be agreed upon for their services.

§ 16. All officers of said town shall be residents of said town, and at least twenty-one years of age.

§ 17. It shall be the duty of the trustees, at the first Assessor. meeting after the annual election, or as soon thereafter as possible, to appoint an assessor, who, after being first sworn faithfully to discharge the duties of his office, shall call upon the owner of taxable property in said town, or their agents, and make out a true list of their taxable estate, real and personal; with the value thereof, and this shall be made upon the oath of the tax-payer or his agent; in the absence of either, the said assessor shall give a notice, as now required by law for assessors of this Commonwealth, and be

subject to like penalties if, after notice, shall fail to appear and give his or her taxable list. If the property owned in said town by non-residents thereof, the said assessor shall cause the same to be valued by two housekeepers and citizens of said town, who shall be legal voters of said town, and competent to fix the value and return the valuation thereof. If the assessor should not be satisfied with the value fixed by the tax-payer, he may call upon two or more persons to give their estimate of the value thereof, who shall be sworn by said assessor, and said assessor shall affix the true value from all the evidence and return the same. Said list shall embrace all the real estate in said town laid off in town lots (except church and school property); all males over twenty-one years of age, with all other species of property, money, notes, and choses in action now taxable for State revenue, exclusive of the ordinary household furniture; and if any one shall refuse to give in such list, he or she shall be double taxed on the value of their property, to be ascertained by the valuation of two disinterested citizens and voters of said town, to be appointed by the assessor and sworn by him to give a true value of the property to be valued to the best of their ability, the double tax to be recovered, with costs, by warrant before the police judge of the town, in the name of the Commonwealth of Kentucky, for the trustees for the use of said town. The said assessor shall return his list within one month after his appointment, and may be fined for failure to do so upon motion of the trustees, upon five days' notice, before the police judge, in a sum not less than ten or more than twenty dollars. Said assessor shall be paid by said trustees, out of the revenues of the town, for his services such sum as may be deemed by them reasonable.

Penalties for violation of ordinances.

§ 18. If any person against whom a penalty or fine is assessed in said police court (hereinbefore provided for), for a violation of the by-laws or ordinances of said town, shall fail to pay the same, said police

judge shall have authority to direct the confinement of such person in the town prison house or lock-up, or work him upon the streets until said fine be paid, at the rate of one dollar per day for each day confined or worked. Said person while confined or worked shall be under the direction, control and care of the marshal, whose duty it shall be to see that the person so imprisoned or worked is properly cared for while so confined or worked.

§ 19. All money obtained for licenses, fines and forfeitures, imposed by the by-laws and ordinances of said town, shall be paid into the town treasury for the benefit of said town. Fines and forfeitures.

§ 20. For the non-payment of taxes due said town upon any real estate, the marshal is hereby vested with power and authority to sell such real estate for the amount of taxes and cost of sale, on the premises, for cash, at such time and after such notice as is required of sheriffs in sales of real estate; and when sold, and not redeemed within two years from the date of sale, by paying over the price bid and ten per cent. per annum thereon, said marshal or his successor in office shall convey the same by deed to the purchaser or his assigns. Non-payment of taxes.

§ 21. That S. W. Sanderson shall be police judge until the first annual election herein provided for, and until his successor is elected and qualified. Police judge appointed.

§ 22. That George Brown, J. T. Boyd, A. H. Gilmum are hereby appointed trustees of said town, and are to hold their office until the first annual election herein provided for for town officers, and until their successors are elected and qualified. Trustees appointed.

§ 23. This act shall take effect and be in force from its passage.

Approved February 27, 1888.

CHAPTER 320.

AN ACT to amend the charter of the city of Carlisle:

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Providing for
city collector.

§ 1. That the charter of the city of Carlisle be amended by adding the following, viz: The board of common council, at their regular meeting in November of each year, shall appoint a city collector, whose duty it shall be to collect the unpaid taxes as reported by the treasurer, together with a penalty of ten per cent. added.

Bond of col-
lector.

§ 2. The collector shall, before entering upon the discharge of his duties, enter into bond, with surety to be approved by the common council, for the collection of the revenue. The form of the bond to be prescribed by ordinance.

Duties of col-
lector.

§ 3. The collector shall, immediately after his appointment, proceed to collect the taxes due the city; and upon failure by the persons bound therefor to pay the same, may distrain the goods and chattels owned by, or in the rightful possession of, the persons from whom tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell the title of such person in so much thereof as will pay the tax due and all costs in the mode prescribed by law.

Tender of re-
ceipt.

§ 4. The collector, before he makes a levy for taxes, shall tender the person from whom the tax is due, if resident of and in the city, a receipt, in which he shall specify the taxable estate with which such person is charged, the value and amount thereof and the tax due, if he shall distrain before the tender of such receipt, he shall forfeit and pay to the person aggrieved double the amount of such tax and such damages as he may sustain, to be recovered in his own name.

§ 5. The collector shall, after having advertised at the court-house door, the time and place of sale and at three other public places in the city, for at least ten days, sell at public auction for cash, so much of the property levied on for taxes as will pay the tax and costs; if the collector make illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved.

§ 6. If there be no personal property which the collector can distrain for taxes due, the collector may sell, for cash, any real estate belonging to or listed by such delinquent tax-payer, or so much thereof as will be necessary to pay taxes due and his commission and all costs and penalties, in the same manner as lands are sold under execution, except that the land need not be valued or levied on; and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the court-house door, and by publication, once a week for two weeks prior to the sale, in a newspaper of general circulation in the city; and he shall, not less than ten days before the sale, mail to the delinquent, if his post-office is known or can be reasonably ascertained, a notice, notifying him of the time and place of sale; and in order to cover the cost of such advertisement and notification, the collector shall have two dollars for each person whose property is advertised, to be paid by the delinquent.

§ 7. If no one will bid for and purchase such property at the amount of tax, the charges due and costs of sale, it shall be the duty of the collector to purchase the same for the city, bidding therefor the amount due and the costs of sale. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the purchaser, by paying the purchase money, with interest at the rate of ten per cent. per annum, and the city clerk's costs, if any, at any time within two years from the day of sale. Any minor, married woman or other

How sale to be made by collector for taxes.

Sale of real estate for taxes

Where no bidder duty of collector.

person laboring under disability, shall have one year, after the removal of the disability, in which to make such redemption; but the committee or next friend of a person of unsound mind shall be allowed only five years from day of sale to redeem the same, though such disability continue longer.

Redemption,
right of.

§ 8. Any person whose land may be sold by virtue hereof, may redeem the same within the time prescribed, by paying the purchase money and interest and city clerk's fees to the purchaser or his agent; or if he or his agent refuse to accept the same, or reside out of the city, or is absent therefrom, he may pay the amount to the city treasurer or collector, and take his receipt for the same, which shall be a valid payment.

Certificate of
purchase.

§ 9. It shall be the duty of the collector to give the purchaser a certificate of purchase, containing a description of the property sold, the amount and year of tax and purchaser's name; and said certificate shall be recorded by the city clerk, in a book kept for that purpose, within sixty days after its date, upon presentation of the same by the collector or purchaser.

Copies of records
to be evidence.

§ 10. Copies of the records aforesaid, certified by the city clerk, shall be evidence of the facts stated within them, in all courts of this Commonwealth.

Commission of
collector.

§ 11. The collector shall be allowed such commission for the collection of taxes of the city as the common council may, by ordinance, prescribe.

Conveyance of
property sold.

§ 12. Where the right to redeem shall have expired, the collector who made the sale, or the collector in office, shall upon application, convey to the person the property described in his certificate of purchase, for which deed he shall be allowed a fee of one dollar, to be paid by the grantee in the deed.

Notice to be
given to person
owing delinquent
tax-payer.

§ 13. If the collector has taxes of any character due the city in his hands for collection, and believes another person is indebted in money or property to the person owing the taxes, he shall deliver to the

person owing said delinquent tax-payer, anywhere he may be found, or cause it to be done, a written notice, in substance as follows: "Mr. _____, the taxes due by Mr. _____ to the city of Carlisle amount to the sum of _____ dollars and _____ cents. To that extent you are notified not to pay or deliver to him any money or property which you now or may hereafter owe him, and you are notified to appear before the mayor's court for the said city on the first day of its _____ term, to show why you shall not be adjudged to pay said tax. This _____ day of _____, _____, city collector of Carlisle." This notice shall be signed by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in said notice—money, property, notes, accounts, or other thing of value owing at the time of service of the notice or accruing thereafter—until the matter is heard by the mayor. On the hearing by the mayor, the debtor of the delinquent shall be compelled to disclose, in open court, on oath, all matters of account and indebtedness, whether for money, property or labor, owing at the date of the notice or incurred thereafter. The mayor shall direct the debtor of the delinquent to pay or deliver any money, property or other things then, or at the time notice was served, coming to the person owing the taxes, to the collector to the extent of such taxes and costs, or to the extent of his liability, including such as have accrued after notice; and if it be property, the collector shall sell the same in the same manner he is directed to sell like property when sold for taxes. If the debtor to the delinquent fail to attend or fail to make disclosures, the mayor shall render judgment against them for all the taxes.

§ 14. Any person or persons failing to pay their taxes by the tenth day of October, in the year following the assessment for such taxes, shall pay ten per cent. additional on the tax so due and unpaid.

Penalty for failure to pay.

§ 15. That the words "to the highest and best bidder, for cash in hand, the sale to be made at the door of the mayor's office on the first day of the next regular term of the mayor's court," in section 8 of article 5 of the city charter, be, and the same are hereby, stricken out and repealed.

Time for payment of taxes.

§ 16. All taxes shall be paid to the city treasurer by the tenth day of October of the year in which they are assessed. The word "December" in the first line in section 4 of article 7 in the city charter, is hereby stricken out, and in lieu thereof the word "October" is inserted.

Vacancy in council, how filled.

§ 17. If any ward in the city lose all its councilmen by removal, death or otherwise, the board of common council shall have the power to fill the vacancies until the next regular election. The general annual election required to be held by the city charter for the election of city officers shall be held on the third Saturday in June of each year. The board of common council shall, at their first regular meeting in July of each year, elect one of their number president of the board for the year to follow, or until his successor is elected.

Bond of city treasurer.

§ 18. The city treasurer, before entering upon the discharge of his duties, shall execute bond to the city, with security to be approved by the board of common council, to the effect that he will well and truly collect, account for, and pay over to the persons entitled to receive the same, according to law, all money of the city which it may be his duty to receive and pay out, the exact form of the bond to be prescribed by ordinance.

§ 19. That the word "concurrent," in the first line in section 2, article 9, of the city charter, be, and the same is hereby, stricken out, and in lieu thereof the word "exclusive" is inserted.

Power of removal by board.

§ 20. The board of common council shall have power at any time to remove any officer or agent appointed by them.

§ 21. All acts or parts of acts in conflict with this, are hereby repealed.

§ 22. This act shall take effect from its passage.

Approved February 27, 1888.

CHAPTER 321.

AN ACT for the benefit of common school districts Nos. 14, 18, and 23, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the event that common school districts Nos. 14, 18 and 23, Fulton county, should fail, on account of high water, to be taught within any school-year, the county superintendent of common schools of said county shall make due report thereof to the Superintendent of Public Instruction, who shall reserve the amounts due said districts, subject to the draft of said county superintendent whenever any of said schools, in addition to its session for the following school-year, shall have been taught for the time which had been lost in consequence of high water.

§ 2. The common schools in the aforesaid districts shall be legally taught and legally reported as other common schools are taught and reported.

§ 3. This act shall take effect from its passage.

Approved February 28, 1888.

CHAPTER 322.

AN ACT for the benefit of Miss Maggie Cooper, of Union county.

That whereas, Miss Maggie Cooper did, in the year 1885, in the county of Union and State of Kentucky, under a contract with the school trustees of district No. 12, teach a school in said district during the school

year ending June 13th ; and whereas, she did, before teaching said school, appear before the county school board of examiners, but did not complete her examination on that day, and could not return to complete the same, but afterwards received a first-class certificate ; and whereas, Miss Maggie Cooper was never, nor was any one else, ever paid for teaching said school ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for the sum of one hundred dollars (being the amount due said district) in favor of Miss Maggie Cooper, she being justly entitled to same ; said amount to be paid out of the unbonded surplus in the Treasury belonging to said county ; and if there be not sufficient money to pay said sum, to be paid out of the revenue proper.

§ 2. This act to have force and effect from and after its passage.

Approved February 24, 1888.

CHAPTER 323.

AN ACT to incorporate the Bank of Petersburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby incorporated and established in the town of Petersburg, Boone county, Kentucky, a bank of deposit and discount, to be known as the Bank of Petersburg, with a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, and in that name it may contract and be contracted with, sue and be sued, plead, answer and defend, in all courts or places whatever,

and exercise all the rights, privileges and powers herein granted, expressly or by implication, as a natural person; may have and use a common seal, alter the same at pleasure; but no agreement, contract, obligation or deed, or other writing, shall be invalid for want of such seal, if the same be executed as is customary, or in such form or manner as the directors may by order or by-laws direct, or by the president and directors themselves.

§ 2. That a written article which shows certain subscribers' names, and the shares subscribed, to stock of this proposed bank, may, by order of the directors, be entered at large upon the minute book of said bank; and the said subscribers thereby become subscribers to the stock of this bank hereby incorporated. Each stockholder shall be entitled to a certificate for each share of his stock when paid up by him, and said subscribers shall pay up said stock or call, as made by the board of directors, but no call shall be made at any one time to exceed twenty per cent. of the stock, and no subscriber be in default until ten days' notice of the call shall have been given him in such manner as the board of directors shall deem proper; and when any subscriber is in default, the said bank may recover of him the sum he is in default by a suit in any court having jurisdiction of the amount.

§ 3. Said bank shall be under the control and management of a board of eleven (11) directors, who shall be stockholders in said bank, and that E. L. Workum, Wm. Appleton, Chas. Schramm, M. F. Wingate, Elijah Parker, John W. Berkshire, Solon Early, R. Y. Randall, Geo. W. Terrill, Wm. R. Kirtley and W. M. Cleveland be, and they are hereby, constituted the first board of directors for said bank, and shall hold their office until the first Saturday in April, 1889, and until their successors are duly elected and qualified. The directors shall hereafter be elected on the first Saturday in April each year, and each board

shall go into office at any time within five days after its election, first being duly sworn. Unless a majority of the directors elected at any election qualifies by taking the oath required herein within five days after their election, the old board shall hold over as if no election had been held. Each director shall qualify by taking an oath, before some officer authorized to administer oaths, that he will faithfully discharge his duties as such. The directors shall cause said election to be held at their banking-house, or at such place in said town as may be selected by them, and appoint suitable officers to conduct the same and certify the result. At such elections each stockholder shall have a vote for each share of stock subscribed by him, and the eleven (11) persons receiving the highest vote shall be elected directors for the ensuing term, and shall receive from the election officers a certificate showing their election, which they shall file and cause to be noted on the minute book of the bank. If a majority of the directors qualify within the time allowed, then the old board shall give way to them, and they may proceed to organize and fill vacancies and discharge all the duties of the board. If from any cause no election is held at the time fixed by this charter, then the board in office shall continue until their successors are elected and qualified. All vacancies occurring in the board shall be filled by those remaining, and any director shall vacate his office by ceasing to be a stockholder. The first election of directors under this charter shall be held on the first Saturday in April, 1889. All suitable rules and regulations concerning said elections and the method of voting may be made by the directors not inconsistent herewith. A majority of the board may constitute a quorum for doing business. Any member who fails to attend the meetings of the board for three consecutive regular meetings vacates his office, and the rest of the board shall so declare and fill the vacancy.

§ 4. That the directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations for its management, government and control of its property, and of all its business and affairs, as they may deem expedient, not inconsistent with the laws of this State or United States, and alter and repeal the same at will; and each board shall elect one of its number president, and in like manner fill any vacancy that may occur in that office, and may appoint all such officers, agents and servants as they may deem necessary to conduct the business of said bank, and may agree with them as to compensation for their services, and pay them therefor, and take from them bond with security, approved by the directors of the bank, in such penalty as they deem necessary to secure well, truly and faithfully the performance of their duty, upon which bond recovery may be had for any breach thereof. The directors may prescribe the duties and powers of its officers and employes, and may declare dividends and pay over the same amongst the stockholders in proportion to their stock.

§ 5. The said bank may lease, buy, or acquire and hold, possess or occupy, and enjoy all such real and personal property as may be needed for the transaction of its business, or which may be pledged to it or conveyed to it by mortgage or otherwise, as surety for any debt, judgment or decree, or which may be bought by it under any judgment, order or decree in its favor, or to the benefit of which it may be entitled by purchase or otherwise, and may use, sell, convey or otherwise dispose of same as a natural person: *Provided, however,* Said bank shall not hold any real estate conveyed to it as surety for or purchased in satisfaction of any debt, judgment or decree in its favor, or to the benefit of which it may be entitled by purchase for a longer time than five years.

§ 6. That said bank shall have power to buy and sell bills of exchange, stocks, bonds, promissory

notes, due-bills and other securities, loan money, discount promissory notes, due-bills, and other evidences of debt, receive deposits of gold and silver coin, bank notes, United States Treasury notes, and other currency, and pay same in kind, or as may be agreed upon, and may do a general banking business, and have all the powers and privileges of like corporations by the laws of this State; but it shall issue no notes to circulate as money. It may take mortgages from a borrower, or from any one else, on any personal or real property, to secure any loan made by it, or any demand or any debt coming to it, and may have said property insured for its use and benefit while under said mortgage; and it may enforce such mortgage, and subject the property to its debt or demand by action in any court having jurisdiction, as a natural person might do. It may also receive on pledge for money loaned by it, or for any money advanced by it, or debt due or accruing to it, goods, wares, merchandise, farm products, public or private securities of individuals, city, county, town, district, corporation or societies, and sell the same on the non-payment of the debt or demand at the stipulated time of payment, in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of this Commonwealth," approved March 16, 1871, or it may proceed, by proper action in court, to subject such pledge to its debt or demand.

§ 7. The stock of said bank shall be deemed personal property, and shall only be assignable and transferable on the books of the bank, and in the mode which shall be provided by the directors from time to time; and no transfer or assignment of any such stock shall prejudice any lien the bank may have thereon, unless the lien be expressly waived by the directors; nor shall the dividends of any stockholder be transferred or paid over without the express consent of the directors, so long as such stockholder's

stock is not paid up in full, or he is otherwise indebted to the bank.

§ 8. The directors shall cause certificates of stock to be issued to the stockholders; but no such certificate shall issue until the stock it represents has been paid in full and received by the bank.

§ 9. Married women and minors may make deposits in said bank, and may check the same out as other depositors, or withdraw the same and receipt therefor; and their checks or receipts shall be valid and protect the bank from all further liability for any such deposits.

§ 10. Each stockholder shall be responsible to the creditors of the bank to the amount of his unpaid-up stock, but no further.

§ 11. All promissory notes negotiable and payable at this bank, or at any other bank incorporated by the Legislature of the State, or doing business under the laws of the United States within this State, purchased or discounted by this bank, shall be, and are hereby, placed upon the footing of foreign bills of exchange.

§ 12. That any conveyance made by the bank of real property shall be valid if the deed be executed and delivered by the president for and on behalf of the bank, in pursuance of an order of the directors, if acknowledged before some officer competent to take acknowledgments of deeds and conveyances; and all notes, bonds, or obligation taken on sale of such property, or any property sold by the bank, may be enforced and collected by the bank by appropriate action.

§ 13. That the capital stock of said bank may be increased by the board of directors to any sum not exceeding one hundred thousand dollars; but no such increase shall be made until the question of such increase shall have been submitted to a vote of the stockholders, and a majority of all the stockholders' votes shall have been given in favor of such increase; and

the board of directors shall, when they deem it prudent, by suitable rules and by-laws, submit the question to the stockholders and provide rules for conducting said election and determining the result; and if the stock is increased, the directors shall open books for subscription of such increased stock.

§ 14. The board of directors may be reduced to any number not less than seven at any time, to take effect at the beginning of any term next after such reduction; but no such reduction shall be made until the question of such reduction is submitted to a vote of the stockholders, to be taken by the directors at such time and place and under such rules as they may prescribe, and a majority be given for it.

§ 15. When any election is held under this charter, or ordered by the directors, if not otherwise provided, each stockholder shall be entitled to as many votes as he has subscribed shares of stock in said company.

§ 16. That any officer, agent or servant appointed by the directors may continue in such position until removed by the same or some subsequent board. Any bond given by any such appointee on his appointment, or any that may be required thereafter, shall continue and bind the principal and sureties, even though the term of employment may change, so long as the appointee continues in service of the company. The board may require new bond and sureties at any time, from its appointees it may believe the sureties on any bond insufficient, and no such additional bond shall be a release or waiver of any liability of the sureties in any other bond theretofore given. If any appointee fails to give new bond and surety as required by the board, it may remove such appointee at pleasure, though his term of service may not have expired, and, for good cause, any agent, officer or servant may be removed at any time by the board.

§ 17. This act shall take effect from its passage, and continue in force thirty years.

Approved February 28, 1888.

CHAPTER 324.

AN ACT to incorporate the Lexington Real Estate, Contract and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Ready, William M. Duncan, W. L. Incorporators. Threlkeld, Walter Bransford, Wm. Morrow, D. Muligan, Paul Conlon and W. Moloney, and their associates, successors and assigns, be, and they are hereby, incorporated and made a body-corporate, under the name and style of the Lexington Real Estate, Contract and Improvement Company.

§ 2. Said company may have and use a corporate Corporate powers. seal, may sue and be sued, plead and be impleaded, contract and be contracted with, make by-laws and regulations not inconsistent with the Constitution and existing laws of this State, for the government and prosecution of its business and the control of its affairs.

§ 3. The capital stock of said company may be any Capital stock. amount not exceeding five hundred thousand dollars, and divided into shares of one hundred (\$100) dollars each, payable at such times and in such sums as may be assessed or determined by the directors of said company: *Provided*, That no one stockholder shall own or hold more than one-third of the entire amount of stock subscribed.

§ 4. Said company is hereby empowered and au- Real estate. thorized to purchase, own, sell, hold, grant, convey, mortgage, lease, rent, use, occupy, acquire, dispose of and trade in real and personal estate, stock, bonds, choses in action, or other securities, not exceeding in value, however, the amount of the capital stock; or may issue and sell bonds of the corporation; may engage in building and erecting houses and other buildings or improvements; may make contracts for Make contracts.. the construction of street and other railroads, and

may engage in the business of constructing same ; and may own, construct and operate or maintain other works of public or private improvement ; and may do any and all other acts that may be needful for or incident to the proper and successful prosecution of the business and corporation : *Provided*, That the right to lend money shall be exercised only in case it shall be deemed necessary by the directors of such corporations ; to make loans for the improvement of real estate, and for the purpose securing such loans, and securing other debts that may become due it, said company may take mortgages and other security.

Loan money.

§ 5. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and may continue in office until the first meeting of the stockholders thereof. At such meeting, and at every annual meeting thereafter, the stockholders of said corporation shall elect five directors, or as many more as may be prescribed by the by-laws and regulations thereof, who shall continue in office until their successors are elected. No one shall be elected a director unless he is the owner and holder of at least one share of stock in his own right in said corporation at the time of his election. Only stockholders in said corporation can vote in its elections, and each stockholder shall be entitled to one vote for each share of stock owned by him or her at the time of the election. The board of directors shall elect from their number a president, vice-president, secretary, and treasurer of the company. Said board shall have power to fill any vacancies in the board of directors caused by death or resignation or otherwise ; appoint, to hold during the pleasure of the board, such subordinate officers and agents of said corporation as may be prescribed by the by-laws and regulations thereof ; and said board shall fix the compensation of such of the officers and agents of said company as it may agree to compensate, and take from them such

Select directors.

Fill vacancies.

Appoint agents.

bonds, with security, as they may require or deem necessary, and may, by its by-laws and regulations, prescribe and define the duties to be performed by such of the officers and agents of said company. All deeds, contracts and other writings to which said company may become a party shall be signed by the president, or, in his absence, by its vice-president, who shall at all times act in the place of the president during his absence, or when, from any cause, he can not act himself.

§ 6. The stock of said company shall be deemed personal property, and certificates thereof, signed by the president and secretary of said company, shall be issued and assignable and transferable on the books of said company in such manner as may be prescribed by the by-laws and regulations thereof. Stock declared to be personal property.

§ 7. The stockholders of said company shall not be or be made individually liable for its debts or liabilities, and the individual property of the stockholders of said company shall be exempt from all liability for its debts or liabilities. Not liable for corporate debts.

§ 8. The general offices and chief place of business of said company shall be located in Lexington, Kentucky, and all elections for its officers shall be held in said city. Place of business.

§ 9. This act shall take effect from its passage.

Approved February 28, 1888.

CHAPTER 326.

AN ACT to create the Newport fire and police district, in Campbell county, and to provide for the government thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following territory in Campbell county shall constitute the Newport police and fire district, to wit: Beginning at the mouth of Taylor's creek, on Boundary of police and fire district.

the Ohio river, thence with said creek southwardly to the Newport and Alexandria Turnpike, where the said creek is crossed by a bridge of said turnpike road; thence from the center of said bridge, in a straight line, westwardly to the Licking river, at the south line of Finchtown; thence northwardly with Licking river to the Ohio river; thence up the Ohio river to the place of beginning.

§ 2. The county judge of Campbell county shall, as soon as this act becomes a law, appoint three commissioners, residents and property-holders of the above-described district, who shall be known as the commissioners of the Newport police and fire district; and he shall designate in his order of appointment one of said commissioners to serve one year, one to serve two years, and one to serve three years from the date of their appointment; and said judge may, upon complaint made to him, remove any of said commissioners when, in his judgment, such removal would be for the benefit of said district. He shall annually thereafter appoint one commissioner for said district, and fill all vacancies occurring in said board. Before entering upon the discharge of their duties, said commissioners shall be required to execute a bond, with surety to be approved by said judge, for the faithful performance of their duty; and they shall receive an annual compensation of one hundred and fifty dollars. Said commissioners shall, being first duly sworn to discharge their duties, have full control of the police and fire department as they now exist in the city of Newport, and all buildings, apparatus, books and other property belonging thereto; and they are fully empowered to make such rules and regulations as they may deem prudent and wise for the government thereof.

Number of policemen and firemen.

§ 3. The number of policemen and firemen shall remain the same in number as are now provided for said city; but the board of councilmen of said city may, from time to time, designate by ordinance the number

of men to be employed in each of said departments, and shall provide for the payment of the same as well as the salaries of the commissioners. The appointment and removal of policemen and firemen shall be under the exclusive control of said commissioners.

§ 4. That upon the petition, in writing, of the owners of the greater portion of the assessed value of the taxable property of that portion of said district outside the corporate limits of the city of Newport, as the same shall have been valued for taxation in the year preceding the date of such petition, the said commissioners shall provide for both police and fire protection for the inhabitants and property of said portion of said district. And to enable said commissioners to discharge the duty aforesaid, there shall be assessed by the Campbell county court, and collected in each year from the inhabitants and property of said portion of said district, a sum sufficient to pay a portion of the entire expense of the police and fire department for the whole district, which shall be relatively equal to the assessed value aforesaid of that within said city and within that portion of the district outside of said city. Said tax shall be certified by the Campbell county court to the sheriff of said county, and collected and paid out by him upon the orders of the said commissioners; and said sheriff shall be accountable for the collection and disbursement of all such taxes upon his county levy bond. When said petition shall be so made, the jurisdiction and duties of the police and fire department acting within the city shall extend to all parts of said district, subject to the control of said commissioners.

Police and fire protection, in what manner provided.

§ 5. The government and discipline of the police and fire departments in said district shall be under the control and management of said commissioners. No member of the police or fire department shall be a delegate to, or otherwise take any part in, any primary or other political convention or election, except to cast his vote. Every member of said department

Government and discipline of police and fire departments.

shall be an elector of the district, and be able to write the English language understandingly. No member of said police department shall take any reward or fee for public services, other than his salary.

Oaths of officers
and members.

§ 6. Each officer and member of said department shall, before entering upon his duties, take an oath before one of said commissioners, who are hereby authorized to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be filed and preserved in the office of the commissioners. Each officer of the police department shall give a bond in the sum of one thousand dollars, and each patrolman in the sum of five hundred dollars, with sureties satisfactory to the board of commissioners, for the faithful discharge of their respective duties, and for the payment of any damages that may be adjudged against him by any competent tribunal, for the illegal arrest, imprisonment, or injury by him of any person.

§ 7. That so much of an act, entitled "An act to amend the charter of the city of Newport," approved January 10, 1884, as is in conflict herewith, be, and the same is hereby, repealed, as well as all other acts in conflict herewith.

§ 8. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 327.

AN ACT for the benefit of B. G. Humphreys, of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. G. Humphreys, of Calloway county, Kentucky, be, and he is hereby, authorized and empowered to make a full and complete settlement with

R. L. Ellison, his guardian, touching and relative to said guardianship, and all matters of money or property that may be between the said Humphreys and Ellison; and such settlement shall have the same power and force in law as if the said Humphreys was of the full age of twenty-one years: *Provided*, That said settlement shall be approved by the county judge of said county, and when his approval thereof shall be indorsed thereon, or shown by the records of his court, then it shall be a full quietus to said guardian, and have the same effect as if the said Humphreys had attained his full majority of twenty-one years.

§ 2. This act take effect and be enforced from and after its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 328.

AN ACT to amend an act, entitled "An act to charter the Pleasant Spring and Brushy Fork Turnpike Road Company, in Nicholas county," enacted May 5, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to charter the Pleasant Spring and Brushy Fork Turnpike Road Company, in Nicholas county," enacted May 5, 1886, be so amended as to strike out from the second line of section 8 of said act the word "directed," and insert in lieu thereof the words, "may if he shall deem it expedient to do so."

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 329.

AN ACT to incorporate the Grayson County Coal and Iron Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Crawford, H. E. DeHaven, H. K. Wells and J. W. White, all of the county of Grayson and State of Kentucky, and their associates, successors and assigns, be, and are hereby, created and constituted a body-corporate and politic, by the name and style of the "Grayson Coal and Iron Company;" and by that name and style shall have perpetual succession, with power to make contracts, sue and be sued, in all courts and places; to own property, both real and personal; to engage in mining coal, iron ore and other substances; in making coke, iron, etc., or whatever the company choose to manufacture; and transporting and selling them within and without this State, and to do other acts and have other powers needful for the successful prosecution of its business, and the objects and ends of its organization.

§ 2. The officers of said corporation shall consist of a president, a vice-president, a secretary and treasurer (and a board of directors not less than three nor more than five), who shall conduct and manage the business and affairs of said corporation. They shall be elected by the stockholders on the first Tuesday in June each year, and shall hold their office one year, or until their successors are elected. An election may be held upon any day after the day fixed, by giving ten days' notice to the stockholders; and vacancies may be filled in the same manner by a like notice. The president and vice-president shall be chosen or elected by the directors, and the secretary and treasurer be elected by the stockholders. The board of directors shall have power and authority to hire and employ such agents, and fix their duties, wages and compensation; and said board may require bond and security from any

and all officers, agents and servants for their faithful performance of their duties. Said board shall have power to make such by-laws, rules and regulations, as may from time to time be deemed necessary for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State or the United States.

§ 3. The capital stock of said company shall be twenty-five thousand dollars in lands, mines and mining privileges now owned by this company. Said stock shall be divided into shares of one hundred dollars each, and it shall be lawful for this company to sell said stock on the market, and deliver a certificate of said stock to the purchaser, signed by the president and secretary. The stock shall be transferable on the books by surrendering the old certificate and issuing a new one, and deliver it to the person entitled to the same. The capital may be increased to fifty thousand dollars by a majority vote of the stockholders.

§ 4. Said company may buy, lease or rent any suitable lands, timber or mineral, mines, mining privileges, rights of way, as they may deem advisable, and may receive them in payment of subscription to capital stock if deemed advisable. As to their real and personal property, said corporation shall have and possess the same power and authority to sell, dispose of, or encumber the same, as private individuals now have to enjoy.

§ 5. Said corporation may construct tramways or railroads, and operate the same from its mines or other works to any other railroad, highway or stream within reach of its mines, property or business, and it may make any contract or agreement with any railroad company with which it may connect or be connected for the use of its railroad, or such parts as may be necessary. And if, for the purpose of constructing its railroads and other roads it be necessary

to pass over the lands of others, and it can not agree with such parties as to the amount of damage done, said company may condemn, in the manner now provided by law for the condemnation of private property for public uses, such rights of way as the law provides for rail and turnpike roads ; but such roads shall be used to accommodate public travel and traffic.

§ 6. The principal place of business of said company shall be at Millwood.

§ 7. The private property of the stockholders in said corporation shall be exempt from the payment or liability for corporate debts.

§ 8. The company may organize at any time they see proper after the passage of this act.

§ 9. This act to take an effect from and after its passage.

Approved February 29, 1888.

CHAPTER 330.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelby City, in Boyle county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 3 of article 6 of an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelby City, in Boyle county," approved April 12, 1884, be, and the same is hereby, amended as follows : That the police judge of Shelby City shall have the same jurisdiction in all respects, in cases of forcible entry and detainer, that is now conferred upon the county judge and justices of the peace of Boyle county, and shall be allowed to charge the same fees for his services in such cases as are now, by law, allowed to the county judge and justices of the peace.

§ 2. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

§ 3. That this act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 331.

AN ACT to incorporate the Fayette Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Slaughter Bassett, Wm. E. Bush, And Incorporators. Dodge, J. H. Staples, W. L. Threlkeld, A. M. Spotswood, David Bell, Jr., Julius Marks, Paul Conlon, E. T. Houlihan and J. W. Sayre, their associates, successors and assigns, be, and they are hereby, created and constituted a body-corporate, under the name and style of the Fayette Building and Loan Association ; and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession, may have and use a common seal, may acquire and hold real and personal estate, and sell and convey the same, and shall have and posse such other powers as are consistent with the objects of the association, and not contrary to the laws of this Commonwealth and those of the United States.

§ 2. The officers of the association shall be a presi- Officers. dent, a vice-president, solicitor, secretary and assistant secretary, if one be deemed necessary, and a treasurer, and any number of directors not exceeding nine ; and until the first election of officers hereinafter provided for the corporators herein named, or their successors and assigns, shall constitute the first board of directors, and shall hold their places as such directors until the first election, which shall be held in July, 1889, and on the same day annually thereafter. The

officers of the association shall be elected by the first board of directors from among their own number, and these shall hold their respective offices until their successors are elected and take their places, and thereafter the general officers shall be elected by the board of directors, either from among their own number or from among the stockholders.

Elections and
meetings.

§ 3. In elections and at meetings for the transactions of other business, each member shall be entitled to one vote for each share of stock held by him: *Provided*, That women and infants, members of the association, may vote by proxy, married women and infants by their husbands and guardians, other women by any member of the association selected by them, in writing, to act for them.

Subscription of
stock.

§ 4. The corporators above named, or any of them, shall open books for the subscription of stock, and whenever one hundred shares shall be subscribed said association may go into operation; other shares may subsequently be subscribed until the stock in each class shall be complete. The subscribers in any class shall pay correspondingly to the dues paid by original subscribers, with interest at such rate, not exceeding six per cent., as the association may prescribe in its by-laws: *Provided*, That no stockholder shall hold or acquire at any time a majority of the shares in any one class; stock in all classes shall be transferable on the books of said association as may be provided in its by-laws.

Object.

§ 5. The object of this association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital as paid in and the accumulations thereof, only upon mortgages and liens upon real estate and good collateral, ample in amount to secure the same, preference being given in all cases to members of the association; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed by the parties thereto.

§ 6. The corporation may provide in its by-laws By-laws. what reasonable penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties by reasonable fine or forfeiture of such stock. It may provide also upon what terms members desiring to do so may withdraw from the association, and may also direct what officers shall be required to execute bonds with security for the faithful performance of their duties, and the amount of penalties in such bonds; and said bonds, when executed, shall be fully binding upon the obligors thereon; and may, of members, require the payment in advance, as may be fixed, by an amount per week, monthly or annually, of a contribution by way of payment of ordinary expenses on each share; and also fix an invitation fee on each share.

§ 7. The officers and directors may, from time to time, adopt any rules for conducting the business of the association applicable to the entire association, or particular rules or sets of rules applicable to each class, which rules and by-laws may be altered and changed from time to time, in such manner as may be provided in the original by-laws, none of which, however, shall be in conflict with this act or the general law.

§ 8. Said corporation, for the purpose of erecting Business. buildings or securing lands, either as a general investment or for the purpose of sale, or for the benefit of members, upon such terms as may be agreed upon, or for other good purposes in accord with the safety and good of the association or any of its classes, may issue its bonds; but no bonds shall be issued without the consent of the association, which bonds shall bear a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

§ 9. In addition to the mortgage or other lien, or other security which may be given by a stockholder to the association to secure any loan which may be

made, a first lien is hereby given to the association upon the interest and stock of any such shareholder in said association to secure it in such indebtedness.

New classes. § 10. A new class or classes may be opened, and deposits or dues paid in thereon, at any time the board of directors may determine; the board of directors and officers, as heretofore provided, shall be elected by the stockholders of the class longest in existence, and there shall be but one board of directors, and these shall have the government of all the affairs of the association; each class shall be known and designated by a particular letter of the alphabet or number. No part of the profit or loss of any one class shall be credited to or charged against any other class; but in all things, except as herein provided, each class shall be treated as separate and distinct; but two or more classes may be opened and conducted at the same time.

§ 11. No class shall consist of less than one hundred shares; no weekly or other dues, or payment on a share, shall be greater than five dollars, or less than twenty-five cents. Installments or dues may be required to, be paid at such times and periods as the board of directors may fix; shares may be fixed at not less than one hundred, and not more than one thousand dollars, par value; shares may be required to continue for a certain designated time, or until the net accumulations will enable the shares of a class to realize a designated sum; interest on loans may, by agreement, be charged and deducted from the sum loaned in advance; but the rate of interest shall not exceed six per cent.

Withdrawals. § 12. Provisions may be made in the by-laws, if deemed expedient, for allowing stockholders in any particular class to withdraw from any such class, or from the association, upon such terms as may be fair and just; and the board of directors, if they deem it expedient, may open a building class, in which, with a borrowed or paid-up fund, land may be purchased

and buildings erected, to be sold to the members of such class, or others, preference being always given to members, and paid for in such manner, and on such payments, as may be agreed upon.

§ 13. The board of directors may employ such attor- Attorneys. neys and agents to act for the association as in their judgment the business may require, and may fix the compensation for the services performed.

§ 14. Said association may unite and consolidate with any other association of a similar character doing business in the city of Lexington, upon such terms as may be mutually agreed upon; and all stock formed and opened under this act, and the stock of any association uniting and consolidating with it, shall, in all respects, be on the same footing, entitled to the same privileges and rights, as may be the stock and shares of such association and of this association, and liable to the same restrictions and burdens; and in the event of a consolidation, the consolidated associations may continue under the corporate name hereinbefore stated, or that of the association uniting with this one.

§ 15. Nothing in this act shall be construed as in- No banking
privileges. vesting this association with any banking privileges, beyond the mere power to lend its funds, and take mortgages and liens to secure the same; no reserve fund shall be accumulated, but its funds shall, as far as practicable, be kept loaned out, preference always being given to members, and loaned to others only when members do not desire to borrow. No class shall have any advantage over any other class; all members in a particular class shall stand on an equal footing with the members in the same class. No lands shall be held or owned outside of Fayette county, unless in some contingency the association should be compelled to buy such to secure a debt, and in that event such lands shall be held no longer than such reasonable time as will allow the association to dispose of the same to secure the payment of

its debt; and no real property shall be owned by the association withi Fayette county as an investment, or for sale to and benefit of members, to a greater amount than one hundred thousand dollars, nor shall bonds of the association be issued for any purpose to a greater amount than that sum.

§ 16. This act shall take effect and be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 332.

AN ACT to amend and reduce into one the several acts concerning the town of Concordia, in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Limits.

§ 1. That the following shall be the boundaries of the town of Concordia, in Meade county: Beginning on the Ohio river, on the upper side of Spring creek, at its mouth; thence up to the creek, with its meanders, to Hardin Stephens' mill, but not to include it; thence with the road toward the road leading from Concordia to Brandenburg, to its intersection with the same; thence with a line of Richard Elder's land to Watson's run; thence down Watson's run, with its meanders, to its mouth; thence down the Ohio river, with its meanders, to the beginning.

Trustees appointed.

§ 2. That Thomas M. Prescott, Philip Brightman, Paul E. Buren, Thomas J. Roberts, and Joshua C. Bennett are hereby appointed trustees of said town, and shall hold their office until the second Monday in October, 1888, on which day, and annually thereafter, there shall be an election by the qualified voters of said town for five town trustees, to serve for one year from their election, and until their successors are elected and qualified. The said trustees herein appointed, and their successors, shall take an oath, be-

Election provided for.

fore entering on the discharge of their duties, that they will well and truly discharge the duties as trustees of said town, fairly and impartially, which oath may be administered by any officer authorized to administer an oath.

§ 8. Said trustees, after their election and qualification, shall elect one of their number chairman, who shall preside at their meetings, and have power to convene the board when, in his opinion, the interest of the town demands it, by notifying the trustees thereof. It shall be his duty to see that the ordinances and by-laws of said town are duly executed and enforced. They shall also provide, and keep a book, and keep therein a full and complete record of all their acts as trustees, and submit the same to the inspection of citizens of said town whenever requested by them; and shall, as often as once a year, make out, in writings, a statement of their acts, so far as to show the money collected by them in taxes, and from other sources, and how appropriated, and post the same at two or more public places in said town for the inspection of the citizens of said town. They shall also elect from their number a secretary, whose duty it shall be to record all the proceedings of their meetings. And they shall also elect one of their number treasurer, whose duty shall be to receive and receipt for all moneys collected by the town marshal and police judge belonging to the corporation, and all moneys due and belonging to the corporation from any other source; he shall execute bond, with approved security, for the faithful performance of his duties. Said trustees shall be known by the name of the trustees of the town of Concordia, and shall be a body-corporate, and shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, and to do all such acts and things, either in law or equity, as bodies-politic corporate having perpetual succession may rightfully do and perform. Should the office of chairman

Elect chairman.

Secretary.

Treasurer.

Corporate name.

Vacancy

become vacant, or in case of the absence of the chairman at any meeting, the trustees shall elect a chairman *pro tem.* in the last case, and in the first a chairman for the rest of the term for which the trustees have been elected; the secretary may be removed at the pleasure of the board; the record of the board's proceedings shall be valid, however, if entered by any member of the board, or any one else in their presence, and signed by the chairman or chairman *pro tem.*; and copies and transcripts from the records kept by the trustees shall be evidence in all courts and places where the same shall be necessary. The trustees appointed herein may meet and organize in any house they deem proper in Concordia, and their successors thereafter shall meet for that purpose at such places in the town as may have been procured for their use, or at such places as they may select.

May enact by-laws and ordinances.

§ 4. The legislative power and authority of said town shall be vested in said trustees. They shall have power to pass all needful by-laws and ordinances for the proper and effective administration of justice in said town, and for better government thereof, and the better protection of the rights and property of the citizens, not inconsistent with the laws and Constitution of this State, and shall fix adequate penalties for violation of any such ordinances and by-laws, not exceeding fifty dollars, and imprisonment not exceeding fifty days, as they may deem the good order and welfare of the town may require. The trustees shall make all ordinances passed by them public by posting, in at least three conspicuous places in said town, for ten days before they take effect; otherwise, ordinance is null and void.

Streets and alleys.

§ 5. The trustees shall have full power to cause streets and alleys to be opened in said town, and kept open and in good repair, so far as they may think best, and may macadamize or lay with brick, rocks or plank, such streets or alleys or parts thereof as they may think best; and they shall have power and

authority to have sidewalks in said town built or made, and the same repaired and kept in good order. The owners of property upon whose premises the board of trustees shall order and direct curbing and sidewalk to be constructed and repaired and relaid, may be allowed to make, repair, or relay such curbing or sidewalk at their own expense, in the manner and with the material and in the time prescribed by the trustees by ordinance or otherwise; and if not done as prescribed by the board of trustees, said board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expense thereof by an order to be entered in the record of their proceedings, and collect the same by warrant and sale of the premises as in the case of taxes. A suit may be maintained by the board of trustees of the town of Concordia against such owner or owners of property for such costs of said improvements, and they shall [have] a lien on the property for the same; and the said trustees shall have the power and authority, and it shall be their duty, to keep the street clear of all obstructions of any kind whatever.

§ 6. The trustees shall have the power to license all Powers to license. shows, auction sales, and public exhibitions in said town, and may fix the license fee therefor at any sum in their discretion that will not interfere with general laws requiring State or county license, nor apply to any school exhibition or other public entertainment, or any auction sale in the town and confined to it, nor apply to any sale or auction ordered by any court or judge thereof, or any administrator or executor or any public officer in the discharge of his duty as such.

§ 7. The said trustees shall have power to levy and Levy taxes collect an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars' worth of taxable property in the corporate limits of said town, and a poll tax on each male citizen over twenty-one years of age not exceeding one dollar and fifty cents for any

one year. They shall have power to receive all necessary conveyances in relation to said town, and shall have the right to transfer, by sale and conveyance, any property, real or personal, belonging to said corporation. The conveyances herein provided for shall be governed by the law of conveyances in force in the State of Kentucky.

Collect taxes. § 8. That said board of trustees shall have power to impose and collect a tax not exceeding twenty dollars from the owners, manager or managers of each and every store-boat that may land at said town, for the purpose of sending merchandise of any description, unless they have previously obtained licenses from some clerk of some court of this Commonwealth; and it is hereby made the duty of the marshal to call upon all such persons, immediately upon their landing at said town, and ascertain whether they have taken out license elsewhere in this Commonwealth; and if such person shall fail or refuse to produce such license, it shall be further duty of said marshal to prosecute such offenders under the State law, for which service he shall be entitled to the sum of five dollars, to be paid by the offender or offenders, to be recovered in the name of the Commonwealth, for his use and benefit before a justice of the peace. They shall also have power to tax any theater or show-boat, or other exhibition on the river at the landing, in any sum not exceeding fifty dollars.

Wharfage. § 9. The trustees shall have power to levy and collect of each steamboat, flat or keel-boat making fast at the landing, a reasonable tax or wharfage, to be collected by any marshal as the board by their order may direct.

Assessor. § 10. The said trustees shall appoint a town assessor, who shall assess all the real estate, including stores and personal property in the town, at its fair cash value in the currency of this country, at the time of the assessment, and shall make out and return a full and complete list of all male citizens in the town over

twenty-one years of age at the time of the assessment, and shall report the same to the trustees at such time as they may direct. This report must show the real estate assessed and against whom, and a description thereof; said assessor may be appointed and removed at pleasure by the trustees. All taxes levied and collected in said town shall be expended by the trustees in keeping the streets in good repair, and executing such other duties as are required of them by this charter.

§ 11. There shall be an election in said town for ^{Elections:} town marshal on the second Monday in October, 1888, at the same time the trustees are elected, and every two years thereafter. The marshal shall give bond for the faithful performance of his duties, until his successor is elected and qualified. Jacob Davis is appointed marshal of said town until the second Monday in October, 1888, and until his successor is elected and qualified.

§ 12. It shall be the duty of the town marshal to ^{Town marshal's} preserve the peace and perform such other duties ^{duties.} as may be imposed by the by-laws and ordinances of the town passed by the trustees. It shall be his special duty to arrest all violators of the law and persons disturbing the peace of the town, and bring them before the police judge, to be dealt with according to law. He may arrest without warrant all persons who violate the law or disturb the peace in his presence, and shall have the same power to call to his assistance in making an arrest that constables have. He may execute summons, arrests, executions, and any other process issued by the police judge, and bonds authorized to be taken by the constable under similar rights, and may execute any process in civil cases that can be executed by a constable, and shall make proper returns of all processes put in his hands. He may ^{Execute civil} execute processes in any part of the county, but he ^{processes.} can not be compelled to receive civil business outside

his district; but if he receives such business, he shall execute the same.

Marshal shall
collect taxes.

§ 13. The marshal of the town shall be collector of all the taxes in said town levied by the trustees. He shall pay over to the trustees all taxes and moneys collected by him or coming into his hands as collector, and shall be liable on official bond for any failure of duty as such collector.

Distrain for
taxes.

§ 14. That it shall be the duty of the marshal, and full power is hereby given him, to distrain for annual town taxes in all cases of non-payment, and sell, if necessary, in the same manner as now authorized by law in regard to sheriff in collecting the county levy and revenue tax: *Provided*, That all sales of real estate for town tax, the lots levied upon shall be advertised at the door of the post-office and three other public places in said town, and shall be sold on the day of the justices' court in said town, being advertised at least one court previous to the sale thereof, for cash in hand: *And provided also*, That the original owners of any such lots of ground shall have the privilege of redeeming the same within two years after such sale by paying to the purchaser the amount bid by him for the same, with fifteen per cent. interest thereon, and costs and charges of sale.

Sell real estate.

Powers to make
arrests.

§ 15. The marshal of said town shall have power to make arrests in any case where a constable or sheriff might for violation of any of the laws of the Commonwealth, as well as for violations of the town laws. Before entering on the discharge of his duties as marshal, he shall give a bond with security to the Commonwealth, to be approved by the county judge, that he will faithfully discharge the duties of the office, on which he and his sureties will be liable to any person aggrieved by its breach. He shall also take an oath, to be administered by any one qualified to administer an oath, that he will faithfully discharge his duties.

§ 16. That a police court be, and the same is hereby, Police court. established in said town. The judge of said court shall be elected by the qualified voters of said town, and shall hold his office for two years from his election, and until his successor is elected and qualified. That John A. Barry is hereby appointed police judge of said town, and shall hold his office until the second Monday in October, 1888, and until his successor is elected and qualified; and on that day, and every two days thereafter, at same time marshal is elected, there shall be an election in said town by the qualified voters therein for police judge. The judge herein Oaths and bonds.. appointed and the judge hereafter elected shall, before entering on the discharge of their duties, before some officer, take the oath to faithfully discharge the duties of the office, and give bond, with good security, approved by the county judge, that they will well and truly perform their duties as police judge, which bond shall be filed in the county clerk's office, and proceedings may be had on it by any one aggrieved by its breach.

§ 17. The police judge of said court shall hold his Powers of police: court court in said town for the trial of civil business on the third Saturday in March, June, September and December, and shall have the same civil jurisdiction as justices of the peace, and co-extensive with the county. The same rules of pleading and practice shall apply as in justices' courts, and all processes, writs, attachments, executions, and other writs issued by justices of the peace, may be issued by said police judge, and the same proceedings had thereon as issued from a justice: *Provided*, That all writs issued thereby may be directed to the sheriff, any constable, any marshal of said county, or the town marshal of said town; and all processes issued by said judge may be executed by any officer in the county authorized to execute such writs and processes, and such writs and processes may be returned before any court in the county having like jurisdiction. The said judge shall

have the same jurisdiction over forcible entry and detainer that justices of the peace have under the Civil Code of Practice in force. The said judge shall open his court for the trial of misdemeanors, and any other public offenses over which he may have jurisdiction. He shall have the same jurisdiction in riots and breaches of the peace that justices have, and shall be governed by the laws and rules in such proceedings, and shall issue writs and processes that justices of the peace may issue in such cases: *Provided*, That all such writs and processes may be directed and issued to the sheriff or any constable of the county, or the town marshal of said town, and shall be proceeded upon as if issued by a justice of the peace.

Take bail.

§ 18. That in all cases of prosecution for public offenses, said judges may be allowed to take bail as is authorized in such cases before justices of the peace, and, on forfeiture of bail, the same proceedings may be had as in such courts.

Jurisdiction.

§ 19. That said police judge shall have authority and jurisdiction to hold examining courts, and hold to bail in all cases, either when the offense charged be misdemeanor or a felony, and shall proceed as an examining court under the Criminal Code of Practice. The said judge shall open his court at any time for the trial of persons charged with a violation of the by-laws and ordinances of said town, and shall have jurisdiction in all such matters, and shall issue a warrant of arrest or summons against any person violating any such ordinances and by-laws of said town, when he has reasonable grounds, from the oath of another or his own knowledge, or information of a peace officer, that an offense has been committed. The time of trial shall be fixed in the writ, which shall not be less than two days from the summons, and if an arrest warrant, it shall be returned immediately. The trial shall immediately take place when the party arrested is brought before the court, unless the cause is continued to some other time, in which

case bail may be given with surety, as in cases of trials of misdemeanors, which, if forfeited, shall be proceeded on against the principal and sureties as in cases of forfeitures of bail in the criminal court, except that the summons shall be returnable before the police judge at such times as he may fix, and then be tried and judgment be given according to law. All proceedings in said court for violations of the by-laws and ordinances of said town shall be in the name of the Commonwealth, and all fines and forfeitures received in said court for a violation of the by-laws and ordinances of said town shall be paid over to the trustees, and used by them for the benefit of said town; and on all judgments for a violation of said ordinances and by-laws, executions shall issue in the name of the Commonwealth, or a *capias pro fine* may be had as in cases of such writs when issued from justices' courts, or judgments in misdemeanor cases; but before the issual of an execution or other final process, the defendant may pay the fine or forfeiture to the police judge, who shall pay the same to the town trustees. The police judge shall be allowed one dollar for each warrant of arrest issued by him, to be collected as cost; and for other processes issued by him he shall be allowed the same fees as a justice of peace.

§ 20. In all elections under this act for the election of such officers for said town as are required to be elected by the qualified voters of said town, the police judge shall, before such election, appoint as officers thereof three persons, two as judge and the other as clerk, and the marshal of the town shall act as sheriff. If from any cause the appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal fails or refuses to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of the town elections shall perform similar services, be

entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this act, and in the same way as officers of the State elections; the expenses of said elections to be paid by the town.

Duties of election officers.

§ 21. In all elections for officers of said time after the first election, the person acting as sheriff of such election shall, within three days after the same, deposit the poll-books with the clerk of the Meade county court, who shall file said books in his office. Said county court clerk, the county attorney, and the person who acts as sheriff of the election, shall constitute a board for examining the poll-books and giving certificates of election. Any two of them may constitute a board, which shall meet within four days after the poll-book is filed as aforesaid, and shall compare the poll and ascertain the correctness of the summing up of the votes for the officers for which an election was held, one of which certificates shall be given to the person elected, and the other to the clerk of the board of trustees, who shall file the same with the papers of the town.

Contests.

§ 22. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election shall be determined by lot in such manner as the board of examination may direct. The elections provided for in this act may be contested before the same board, and the same proceedings had as when elections for county offices are contested under chapter 32 of the Revised Statutes of Kentucky.

Vacancies provided for.

§ 23. Whenever a vacancy shall occur in the office of police judge or marshal by death, resignation or otherwise, the board of trustees shall appoint some competent person to fill the vacancy until the next annual election for officer of said town, and until his successor is duly qualified; and the said board of trustees shall issue a writ of election to fill such vacancy, which writ shall be delivered to the sheriff of Meade county, and on which he act as on writs

issued for the election of county officers under provisions of Revised Statutes, article 6, chapter 32.

§ 24. That said trustees may, when they deem it ^{Poll-tax} necessary, make an order levying, for the current year, such poll and ad valorem tax, not inconsistent with other provisions herein, as they may elect. The poll to be on all male residents twenty-one years old and over, not specially exempt by the board, and the ad valorem tax on all taxable property in the town. The trustees shall have power to exempt any person from the payment of poll-tax on account of age, decrepitude or other good cause.

§ 25. The trustees shall have power to appoint a ^{Appoint police.} police of such number, and with such powers and duties, for permanent or temporary service, as they may deem proper, and remove the same at will, and regulate, by ordinance or by-laws, the duties and compensation of same.

§ 26. The trustees shall have power to erect or pro- ^{Lock-up.} cure a suitable building for a lock-up, in which shall be confined vagrants and all persons who may be sentenced to confinement or to pay fines by the police court of said town or justices' courts, for breaches of the peace, violation of the rules, ordinances or by-laws of the town, or other offenses committed therein. Persons committed to said lock-up shall be discharged at the expiration of the time for which they were committed. No person shall be committed to the lock-up who shall pay the fine imposed by the court or jury, or secure the same, nor detained after paying or securing the same. Such fines may be paid by work at the rate of one dollar per day.

§ 27. Until said lock-up is provided, the county jail ^{May use county jail.} may be used in which to confine such offenders, and the town shall pay the jailer the legal fees of the State for keeping and boarding the same. In suitable weather they may be worked on the streets, alleys, sidewalks or other public improvements in said town, at the rate of one dollar per day until the

fine assessed against them shall have been paid. If necessary, a ball and chain may be attached to such persons to prevent their escape, and the better to compel them to perform their allotted work.

Resignations. § 28. All resignations of the officers of said town of Concordia shall be tendered to the board of trustees in writing, and shall be noted on the records of said town.

§ 29. All acts or parts of acts conflicting with this act are hereby repealed.

§ 30. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 333.

AN ACT to amend the charter of Ringgold Lodge, No. 27, I. O. O. F., of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of Ringgold Lodge, No. 27, of the Independent Order of Odd Fellows, approved March 8, 1856, be, and the same is hereby, amended, so that the said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding fifty thousand dollars, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and reinvest and dispose of the proceeds.

§ 2. That this act shall take effect when approved by the Grand Lodge of the Independent order of Odd Fellows of the State of Kentucky.

Approved February 29, 1888.

CHAPTER 334.

AN ACT authorizing the trustees of Butler County Seminary to charge rent for the seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the Butler County Seminary, and their successors in office, are empowered and authorized to charge and collect from the teacher using same reasonable rent per month for said seminary, which rent shall be paid to the treasurer of said seminary fund, and said treasurer shall be responsible upon his bond for same: *Provided*, That said trustees shall at no time rent said seminary for a longer period than ten months.

§ 2. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 335.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. No person shall bring into the city of Covington, or sell or offer for sale in any market, public or private, any cattle, sheep, hog or lamb, nor any meat, fish, game or poultry that is diseased, unsound, unwholesome, or that for any other reason is judged by two district physicians of the city or other authority, officer or person to be named by the city council, to be unfit for human food. The fact of any cattle, sheep, hog or lamb being in any stock-yard or slaughter-house pen shall be considered sufficient evidence that the same is being exposed there for sale; and the fact that the carcass of any cattle, hog, sheep or lamb, or any part thereof, is found in any slaughter-

house, or any public or private market or place, dressed and prepared as such meats usually are or market, shall be deemed sufficient evidence that the same is on sale; and no animal, or any part thereof, nor any fish, game or poultry that has been examined and condemned, or judged unfit for human food as provided above, shall be held, sold or offered for sale for human food in any market or place whatsoever in said city. When any diseased or unsound animals—cattle, sheep, hogs, lamb, meat, fish, game or poultry—shall be condemned as unfit for human food, as above provided, the chief of police, whenever he shall deem it necessary for the protection of the public, order the said condemned animals to be killed by any police or other proper officer of the said city. The carcasses of such condemned and killed animals shall be turned over to the party who may be under contract with the city to remove the bodies of dead animals; but in case no such contract exists, or if the owner demand it, the body may be delivered to him, to be disposed of for tanking purposes, under the supervision and direction of the police department of said city.

§ 2. No calf, pig or lamb, or the meat thereof, shall be bought, held or offered for sale for human food in this city, which, when killed, was less than one month of age.

§ 3. Violation of any or either of the provisions of this act shall be punished by fine not exceeding fifty dollars for each offense, recoverable in any court of competent jurisdiction.

§ 4. This act shall take effect from the day of its passage.

Approved February 29, 1888.

CHAPTER 336.

AN ACT to incorporate Owensboro Division, No. 11, of Kentucky Uniform Rank Knights of Pythias, of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. J. W. Carter, G. W. Gates, J. T. Griffith, Chas. Haney, J. A. Head, W. D. Osborne, Ed. Sites, J. J. Sweeney, and S. S. Watkins, their associates and successors, shall be, and they are hereby, created a body-corporate and politic, by the name and style of "Owensboro Division, No. 11, of Kentucky Uniform Rank Knights of Pythias, of Owensboro, Kentucky," and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to contract and be contracted with, sue and be sued, in all courts of law and equity of this Commonwealth; to have and use a common seal, with power to break, alter or amend it at pleasure.

§ 2. That they shall have power to make certain regulations and by-laws for their government, and that all such by-laws as are now in force shall remain until changed, and that they may change, renew them at pleasure: *Provided, however,* That they be not in contravention of the laws of the State of Kentucky or of the United States.

§ 3. That said corporation shall have power and authority to acquire and hold real and personal property, not to exceed in value (\$50,000) fifty thousand dollars, and to lease or build such house or houses as, from time to time, it may deem most expedient or to the best interest of said corporation; and may sell and convey any real or personal estate they may own, and reinvest or dispose of the proceeds as it may deem best.

§ 4. All conveyances of real estate shall be made to it in its corporate name, and all conveyances made by

the corporation shall be by it in its corporate name by its executive council.

§ 5. That it may borrow money, not to exceed (\$30,000) thirty thousand dollars, and may secure the same by mortgages or deeds of trust of any personal or real estate it may own, and on such time as it may deem best.

§ 6. That the individual members of said corporation shall not be liable for any debts of the corporation.

§ 7. That in all proceedings against said corporation, service of process shall be had on the chief officer of the division of the uniform rank in the county.

§ 8. This act shall take effect from and after its passage.

Approved February 29, 1868.

CHAPTER 337.

AN ACT to amend an act, entitled "An act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Hopkins county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Hopkins county," approved April 15, 1884, be, and the same is hereby, so amended that the provisions thereof shall not apply to persons who sell manufactured wines out of grapes grown and manufactured in said county; but such sales shall not be less than one gallon, and shall be made by the person or persons who grow the grapes and manufacture such wines.

§ 2. This act shall take effect from its passage.

Approved February 29, 1888.

CHAPTER 338.

AN ACT to authorize T. L. Atwood, county surveyor of Hickman county, to act as deputy county court clerk of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. L. Atwood, county surveyor of Hickman county, be, and he is hereby, authorized to act as deputy county court clerk of Hickman county, upon his taking the oaths prescribed by law as such deputy clerk.

§ 2. This act to be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 339.

AN ACT to repeal an act, entitled "An act for the benefit of the Summitt Station Turnpike Road Company, in Nicholas county," enacted May 3, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of the Summitt Station Turnpike Road Company," in Nicholas county, enacted May 3, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 29, 1888.

CHAPTER 340.

AN ACT to incorporate the town of Lovelaceville, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Lovelaceville, in Ballard county, be, and the same is hereby, incorporated, ^{Incorporation.}

with the several streets and alleys and the lots as respectively laid out, or that may hereafter be laid out by proper authority.

Limits. § 2. The corporate limits of said town shall be as follows, to wit: To begin at the north-west corner of Samuel R. Henchey's garden, on the Hinkleville road; thence south, so as to include F. B. Lovelace's residence, to a stake in A. Lovelace's field; thence east to Sugar creek, so as to include the mill property and J. T. Chandler; thence with said creek to the forks; thence up the north prong of said creek to a stake; thence west to the beginning, so as to include the former residence of M. M. Gholson.

Trustees appointed. § 3. That T. M. Baker, M. McColpin, M. W. Armstrong, Jeff Meshew, and F. B. Lovelace be, and they are hereby, appointed trustees of said town. They shall, at their first meeting under this act, select one of their number as chairman, and a majority shall constitute a quorum to transact business. They shall remain in office until the first Saturday in September, 1888; and upon that day, and upon the first Saturday in September in each year thereafter, the citizens of said town entitled to vote for Representatives to the General Assembly, shall meet at such place as shall have been designated by the trustees of said town, and choose, by *viva voce* vote, five persons residing in said town as trustees of said town for one year, and until their successors are duly elected and qualified.

Election of trustees. § 4. That said trustees and their successors in office are hereby created a body-politic and corporate, by the name of the "Trustees of Lovelaceville;" and in that name to sue and be sued, and contract and be contracted with. They shall have power to enact ordinances and by-laws for the government of said town, not inconsistent with the Constitution and laws of this State or of the United States; to levy a tax on the property, real and personal, in said town, not exceeding in any one year fifty cents on each hundred dollars' worth thereof; to appoint an assessor to value

Make by-laws.

Levy tax.

and list said property, and the marshal be collector of said tax. The money thus raised, and all other money belonging to said town, shall be applied as the trustees may order for the benefit of said town. The trustees may also levy a poll tax not exceeding one dollar on each poll in said town.

§ 5. The marshal shall collect all taxes levied in said town, and for that purpose he is hereby given the same power to levy and sell property that is now by law given to the sheriff in collecting the revenue due the State. He shall execute a bond to the "Trustees of Lovelaceville," with security to be approved and accepted by said trustees, and preserved as a record of the town. Any person or the town aggrieved by any breach of said bond, or any failure upon the part of the marshal to perform his official duties, may maintain an action upon said bond for damages. The trustees shall make him a reasonable compensation for his service.

Marshal collect taxes.

§ 6. J. J. Rucks is hereby appointed marshal, and he shall hold his office until the first Monday in August, 1888, and upon that day, and upon the first Monday of August in every second year thereafter, the citizens of said town who are qualified to vote for Representative to the General Assembly shall select, by *viva voce* one of their own number to the office of marshal, who shall hold until his successor is elected and qualified.

Marshal appointed.

§ 7. The marshal of said town is hereby given all the powers of a constable, and is authorized to execute any and all process which a constable may execute, and shall be allowed to charge the same fees for such service: *Provided, however,* That before he shall exercise the functions of a constable he shall execute a bond in the Ballard county court similar to that required of constables, and shall take in said court the oaths which are now by law required of a constable.

Powers and duties of marshal

§ 8. L. C. Roarke is hereby appointed to the office of police judge of said town, who shall hold his office until the first Monday in August, 1888, upon which day, and on the first Monday of August in every fourth year thereafter, the citizens of said town entitled to vote for Representatives to the General Assembly shall, by *viva voce* vote, elect one of their own number to said office, who shall hold for four years, and until his successor shall be elected and qualified. The said police judge is hereby invested with the same jurisdiction in penal and criminal cases as is now by law given to justice of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of said town.

Election provided for.

§ 9. The trustees of said town shall, by order made at least twenty days before any election held under this charter, designate the place in said town at which the election is to be held; and shall give notice thereof for fifteen days before the election by posting two or more copies of said order in said town. The trustees shall also name the officers of said election. The poll-books of all elections held under this act shall be returned to the chairman of the board of trustees, who shall compare the same and declare the result, and issue a certificate of election to the person having the highest number of votes; but if the chairman be a candidate, then the trustees, by order, shall name some one whose duty it shall be to compare the polls and declare the results.

Absence of police judge.

§ 10. If a vacancy shall occur on the board of trustees, or in the office of marshal or police judge, then the remaining trustees shall fill same by an appointment until the next regular election: *Provided*, That if the vacancy shall be in the office of police judge, and more than one year of the term is to come, then the vacancy shall be filled by an election to be ordered by the trustees.

§ 11. If at any time the police judge is absent from the town, or can not properly preside in any case,

Taxes, when due

then the chairman of the board of trustees shall have authority to discharge the duties incumbent upon the police judge as fully as the judge might.

§ 12. All taxes assessed under this charter shall be due at such time as the board of trustees shall fix. All former acts repealed.

§ 13. All former acts of incorporating the town of Lovelaceville are hereby repealed.

§ 14. This act shall take effect from and after its passage.

Approved February 27, 1888.

CHAPTER 341.

AN ACT to amend an act, entitled "An act giving the further time of two years to the sheriffs, ex-sheriffs, constables and tax collectors of this State, in which to collect their uncollected taxes and fee bills," approved March 8, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act giving the further time of two years to the sheriffs, ex-sheriffs, constables and tax collectors of this State, in which to collect their uncollected taxes and fee bills," approved March 8, 1886, be, and the same is hereby, so amended as to apply to Sidney Green, ex-sheriff of Washington county, and his deputies, to run for two years from and after date of passage of this act.

§ 2. This act shall take effect from and after its passage.

Approved March 1, 1888.

CHAPTER 342.

AN ACT for the benefit of Frank Preston, committee of Daniel Sparks, a harmless incurable lunatic.

WHEREAS, Frank Preston was, at the October term, 1882, of the Johnson county court, duly appointed and qualified as committee of Daniel Sparks, a harm-

less incurable lunatic, of Johnson county, and the said Preston having carefully provided for said harmless incurable lunatic for seventeen and one-third months, pursuant to the orders of said court, by virtue of acts of the General Assembly, approved March 20, 1876, May 5, 1878, and May 5, 1880 ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Frank Preston for the sum of one hundred dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 343.

AN ACT for the benefit of Lindsey Layne, surveyor of Floyd county, and his deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of three years, from and after the passage of this act, is hereby given to Lindsey Layne, surveyor of Floyd county, and his deputies, in which to collect any and all fee bills due them or either of them as such surveyor or deputy.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 344.

AN ACT for the benefit of James McHendren, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, instructed and directed to draw his warrant upon the Treasurer of this State in favor of James McHendren, for the sum of twelve dollars and thirty-five cents (\$12.35).

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 345.

AN ACT for the benefit of Dr. E. R. Cook, of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixteen dollars is hereby appropriated to pay Dr. E. R. Cook, of Christian county, for printing his minority report to the General Assembly as one of the Commissioners of the Western Lunatic Asylum in 1880, and the Auditor is hereby directed to draw his warrant on the Treasurer in favor of said Cook for said sum, and the Treasurer will pay same out of any money not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 346.

AN ACT for the benefit of Wm. R. Rawlings, of Campbell county.

WHEREAS, Wm. R. Rawlings, of Campbell county, paid into the State Treasury on March 6, 1885, the

sum of fifty dollars for a license as a coffee-house keeper in the city of Newport, Campbell county ; and whereas, the city of Newport refused the municipal license to said Rawlings, whereby the said State license was of no value ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant upon the Treasury in favor of W. R. Rawlings for the sum of fifty dollars.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 347.

AN ACT for the benefit of S. O'Bryan, of Larue county.

WHEREAS, S. O'Bryan, of Larue county, Kentucky, did, on the twentieth day of May, 1886, procure a license from the Larue county court to keep a coffee-house in Hodgenville, Larue county, Kentucky, for one year from said date, and paid the price of one hundred dollars therefor, as required by law ; and whereas, the board of trustees of said town of Hodgenville refused to grant said O'Bryan or any one else a license to keep a coffee-house in said town from said twentieth day of May until the twentieth day of January, 1887, thereby preventing said O'Bryan from enjoying the use and benefit of his aforesaid State license for the period of eight months of the period for which said license was granted him ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated and allowed to said S. O'Bryan the sum of sixty-six dollars and sixty-six cents, and the Auditor of Public is hereby directed to draw his warrant in favor of S. O'Bryan for sixty-six dollars and sixty-six cents on the Treas-

urer of this Commonwealth, and said Treasurer is hereby directed to pay the same out of any money in the Treasury not otherwise specifically appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor February 29, 1888.]

CHAPTER 348.

AN ACT to amend an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county," approved April 8, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county," approved April 3, 1884, be so amended as to strike out the word "shall," occurring between the word "county" and the word "subscribe," in the first line of section 12 of said act, and by inserting in lieu thereof the words "may, if he should deem it expedient to do so."

§ 2. This act shall take effect and be in force from its passage.

Approved February 29, 1888.

CHAPTER 349.

ACT to amend the charter of the Ashland Building and Saving Association, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Ashland Building and Saving Association, of Lexington," approved March 29, 1886, be, and the same is

hereby, amended as follows: By striking out the word "only" in section 6 of said act, and adding at the close of said section the following: "And the association may also loan to its members upon their shares the amount paid into the association as dues, in sums not less than one hundred dollars: *Provided*, Loans to the extent of five hundred dollars per share, secured by real estate, has not previously been made to shareholders so applying; such loans shall be secured by a pledge and hypothecation of said shares, and the association shall have a prior lien on the shares of members to whom loans are granted until such loans are canceled."

§ 2. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 350.

AN ACT to authorize the Chesapeake and Nashville Railway Company to issue bonds, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Chesapeake and Nashville Railway Company, successor to the Cincinnati, Green River and Nashville Railroad Company, chartered by an act approved February 23, 1882, be, and the same is hereby, authorized and empowered to issue its bonds for such period, not exceeding fifty years, payable at such times and places as it may deem expedient, and may execute mortgages or deeds of trust upon any or all property, rights or franchises of the company to secure the payment of the same.

§ 2. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 351.

AN ACT to authorize and empower the county court of Franklin county to issue bonds to pay off the present outstanding bonded indebtedness of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county court of Franklin county is hereby authorized and empowered to issue bonds, in an amount not exceeding the present outstanding issue. Said bonds shall be authorized by the county court of said county, a majority of the justices of the peace being present and concurring therein. The proceeds of the said bonds shall be applied to the redemption of the bonds now outstanding of said county, amounting to sixty-two thousand dollars, all of which shall be called in and paid off. Said bonds herein authorized to be issued shall bear interest at a rate not exceeding five per cent. per annum, payable annually, the principal to be payable within twenty years from their issue: *Provided*, The county court shall have the privilege of paying the same off at the end of ten years from their issue, if they so desire.

Authority to issue bonds.

§ 2. The county court of said county is hereby authorized and empowered to levy and collect an annual tax sufficient to pay the interest annually upon said bonds, and to provide a sinking fund to pay off the principal when due. The amount levied and collected for sinking fund purposes shall be faithfully preserved and used for the purposes for which it was collected, and the court shall have no power to use any of said amount for any other purpose. The sheriff shall collect said tax, and be responsible upon his bond for the payment thereof to the county treasurer, which amount said sheriff is directed to pay into the treasury of the county monthly.

Authority to levy tax.

§ 3. The county treasurer shall preserve the money collected to pay the principal and interest upon said

County treasurer to preserve funds collected.

bonds, and keep the same in a separate account, so as to show the amount on hand.

Bonds, by whom signed. § 4. The bonds shall be signed by the county judge of said county, and be attested by the clerk, with the seal of the county attached, and the coupons shall be signed by the clerk alone.

Sale of bonds. § 5. Said bonds shall not be sold at less than par, and when sold the proceeds shall be paid into the county treasury, and be used in payment of the bonds now outstanding of said county. The treasurer of said county shall notify the holders of the outstanding bonds to present them for payment when said money is in the treasury, and pay them off as presented. As soon as said bonds are paid off, the treasurer shall report the fact to the county court, with the canceled bonds, and said court shall enter the report of record, with the number of the bonds and the issue, and destroy said bonds in the presence of the court.

Appointment of person to sell bonds. § 6. Said court may appoint some person to sell said bonds in conformity with this law.

§ 7. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 352.

AN ACT to repeal an act, entitled "An act to incorporate the Cincinnati and Newport Iron and Pipe Company," approved March 31, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Cincinnati and Newport Iron and Pipe Company," approved the thirty-first day of March, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 353.

AN ACT to amend the charter of the Union County Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The charter of the Union County Fair Company, incorporated 25th April, 1884, under the provisions of chapter 56 of the General Statutes of Kentucky, be, and the same is hereby, amended as hereinafter declared.

§ 2. The directors of said company shall have power to make such rules and regulations and by-laws as they may deem necessary for the interest and welfare of the fair company, not inconsistent with the Constitution and laws of Kentucky or of the United States, and power to enforce the same. They may fix the rates of entries for exhibiting, and gate fees for spectators, and have power to collect the same. The president and vice-president and each of the directors shall be conservators of the peace, with power to order and cause the arrest of all disorderly persons, to be dealt with according to the laws of the State. They shall have power to appoint as many policemen as they may deem necessary, who shall be sworn to faithfully discharge their duties, and such policemen shall have the same power to arrest all disorderly persons and to preserve good order that constables and sheriffs now have.

§ 3. The said fair company may sell pools in any of the speed rings or races on their track: *Provided*, Said pools shall be sold exclusively inside the grounds of said fair company.

§ 4. This act to take effect and be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 354.

AN ACT to amend the Bloomfield and Springfield Turnpike Road charter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act incorporating the Bloomfield and Springfield Turnpike Road Company is hereby amended, and the president and managers and officers of said company are hereby given the right of perpetual succession ; and the successors of said officers of said turnpike company are hereby given all the rights and privileges of the present officers and managers as to building, managing and completing said turnpike company.

§ 2. This act to take effect from and after its passage.

Approved February 29, 1888.

CHAPTER 355.

AN ACT to amend an act, entitled "An act to incorporate and establish a system of public schools in the town of Elkton, and within a radius of three miles of the court-house in said town," passed February 23, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 13 of said act be amended by striking out of lines 9 and 34 of said section, the word two and inserting the word five in lieu thereof: *Provided*, That this change shall not be made until the question whether or not it shall be made shall have been submitted by the board of trustees of said school to the resident legal voters within the limit of said Elkton public school district, required to pay taxes, under the act to which this is an amendment, for said public school ; and if a

majority of said voters voting shall vote in favor of making said change, then it is to be the law, and if not, then the law as it now is shall remain in force.

§ 2. That the board of trustees of said school are authorized to hold an election in said school district to test the question whether said change shall be made or not, at such time and place as they may fix, upon reasonable notice first given; and they are to be governed by the same rules in holding said election and ascertaining the result thereof as required by their by-laws and the act to which this is an amendment.

§ 3. This act to take effect from its passage.

Approved February 29, 1888.

CHAPTER 356.

AN ACT to extend the charter of the Bank of Elkton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate a savings and deposit bank in the town of Elkton, Kentucky," approved February 7, 1866, as amended by the several acts passed by the General Assembly of the Commonwealth of Kentucky, be, and the same is hereby, extended and continued in force for twenty years from the seventh day of February, 1891: *Provided*, That the Legislature retains the right to alter, amend, or repeal the charter of said bank, and all amendments thereto.

§ 2. That this act shall take effect and be enforced from its passage.

Approved February 29, 1888.

CHAPTER 357.

AN ACT to reduce into one the several acts in relation to turnpike roads in Nicholas county, and appertaining thereto, and providing for a turnpike commissioner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Authority to subscribe stock to turnpike roads and by whom and how made.

§ 1. That the Nicholas county court, composed of the presiding judge of said court and a majority of the justices of the peace for said county at any regular term of the Nicholas county court of claims, or at term of the Nicholas county court called by the said presiding judge, shall have power to subscribe a sum not exceeding one thousand dollars to the capital stock of any turnpike road company which has or may hereafter be incorporated under the laws of this Commonwealth for each mile of said road within the limits of said county ; and at the same rate for each fraction of a mile whenever said court may consider such road necessary, and deem it to the interest of said county so to do ; and may levy a tax upon the real and personal estate in said county subject to taxation for revenue purposes sufficient to pay the same, and that all of the laws of this State applicable to the collection of the State revenue shall apply to the collection of the tax thus levied : *Provided, however,* that no such subscription shall be made, or if made, shall be binding, except upon the following conditions, viz.: First, the company applying for such subscription shall file with the clerk of said court, and before the presiding judge thereof, a written statement showing the proposed location and route of said road as near as practicable to describe them, the proposed width of the grade of said road and the proposed width, thickness and character of the metal to be used on said road, and apply to said judge to appoint, and said judge shall appoint, a competent engineer, whose duty it shall be to examine the route proposed, and report under oath,

in writing, to the court, plans and specifications for building said road, and his estimate of the costs per mile and fraction of a mile of building said road, as proposed by said statement and his specifications; which report shall be filed and kept in the clerk's office of said court, and said company shall pay the engineer for his services. Second. Upon the report of said engineer, the presiding judge of said court shall designate, and cause to be entered on the order-book of said court, a statement of a sum per mile and fraction of a mile which in his judgment it will require, in addition to the county subscription, to construct said road with its necessary toll-gate houses, and put the same in good substantial traveling condition; and said company shall obtain, by private subscription to the capital stock of said company made in writing, signed by the subscriber or subscribers, with no condition or reservation of any kind embraced therein, the amount so designated by said judge, or sums aggregating said amount; and no subscription shall be considered by the court unless the subscriber shall own and have title in his own name, to unencumbered real estate in this Commonwealth subject to execution, to the value of an amount more than sufficient to pay the amount of his subscription. Third. The company shall contract for the construction of the road as described in their statement and the report of the engineer, that the contract may be made so as not to become binding upon the company until the subscription is made by the court; and said contract, both as to its terms and the responsibility of the contractor, shall be approved by the turnpike road commissioner provided for by this act, by writing indorsed on said contract, or by the said presiding judge by order entered of record; and said contract, when so made and approved, shall be filed and kept in the clerk's office of said court. Fourth. No part of the subscription by the county court to the capital stock of such turnpike road company, if levied and

collected, shall be paid to the company by the sheriff or collector until the board shall receive said road as completed according to contract from the hands of the contractor, and the action of said board in receiving said road be approved by the turnpike road commissioner, in writing, signed by him and filed to be kept in the Nicholas county court clerk's office. Fifth. If when the amount subscribed by the county court is collected by the sheriff or collector, said road is not completed, received and approved as aforesaid, the presiding judge may cause and direct the sheriff or collector, and it shall be the duty of the sheriff or collector when so directed, to loan the same out until the expiration of two years from the date of the levy, taking bond with good surety therefor, payable to himself, and bearing interest from date until paid. Upon which said sheriff or collector may sue and recover, and collect for the use and benefit of the county if not paid when due. But in loaning the same, the sheriff or collector shall give preference to said turnpike road company, provided they give bond with good security as above stated. If, at the end of two years from the date of said levy, said turnpike road is so completed, received and approved, said company may retain the sum so loaned; but if not, the same shall be collected with its interest by the sheriff or collector. The court shall declare the subscription of the county to the capital stock of the road forfeited, and the same shall be forfeited, become void, and the amount be under the control and subject to the order of the court as provided in section 9, article 3, chapter 27, of the General Statutes, in respect to the county levy, and the same may be applied by the county court to the payment of claims against the county or subscriptions or appropriations which the court is by law authorized to make.

§ 2. *Be it further enacted*, That said county court, composed of the presiding judge and a majority of said justices, shall have power, upon the conditions

imposed by the proviso in section 1 of this act, to appropriate to be levied and collected, as indicated in section 1 of this act, a sum sufficient for the purpose of completing, or putting in proper repair, any unfinished turnpike in said county, or any turnpike which has become out of repair which have been incorporated under the laws of the Commonwealth, and in which the county owns stock: *Provided, however,* That said appropriation shall not be made unless the court shall be satisfied that there is no debt existing against said turnpike road, and no lien thereon, and no debt due by said turnpike road company, or until two-thirds in value of the stockholders in such company shall surrender to the county the stock owned by them, or until there is raised by private subscription, as provided in section 1 of this act, the sum, if any, which said court may, in its judgment, designate sufficient, with the aid of the county subscription, to complete or repair such pike.

§ 3. *Be it further enacted,* That said court, at each regular term of the court of claims, shall appoint a turnpike road commissioner, whose duties and powers shall be as enumerated in section 1 of this act, and as hereinafter enumerated, and who, for his services, shall be allowed by the Nicholas county court of claims a reasonable compensation, not exceeding one hundred and fifty dollars per annum. But before entering upon his office he shall take an oath in the Nicholas county court faithfully and impartially to discharge his duties; and for a failure to perform any of the duties imposed upon him by this act, he shall be guilty of a misdemeanor and fined not less than twenty-five dollars, or more than five hundred dollars, to be recovered by indictment in the Nicholas circuit court.

§ 4. *Be it further enacted,* That it shall be the duty of each toll-gate keeper, on any turnpike road which has or may hereafter be incorporated under the laws of this Commonwealth, and in which the county of

Authority to subscribe aid to complete or keep in repair turnpike roads.

Turnpike road commissioner provided for

Duties of gate-keepers.

Nicholas owns stock, to keep a faithful account of the money received by him as gate-keeper, and the money paid out by him as such and to whom paid, and to make a detailed report thereof in writing, verified by his affidavit, to the turnpike road commissioner, whenever required by said commissioner to do so. It shall also be the duty of the treasurer of any such turnpike road company, or other person or officer authorized by law to receive the moneys due to the road, to keep a faithful account of money received and paid out by him, and to whom and upon what account paid, and report the same in detail in writing to said commissioner, whenever required by said commissioner to do so, which report shall be verified by his affidavit. Any person failing to keep the account or make the report required by this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars or more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth.

Duty of board of
directors.

§ 5. It shall be the duty of the board of directors of any turnpike road company which has or may hereafter be incorporated under the laws of this Commonwealth, and in which the county of Nicholas owns stock, whenever required to do so by its turnpike road commissioner, to cause to be made and furnished to said commissioner a report, showing what disposition has been made of the money arising from the revenues of said road. Said report shall be in detail, and shall also show what salary or compensation is paid to each officer or agent of the road receiving compensation or salary, and shall also show what are all the resources of said road. Said report shall be signed by the president of the board and verified by his affidavit. Any person failing to perform his duty, as required by this section, shall be guilty of a misdemeanor, and fined not less than fifty dollars or more than five hundred dollars, to be recovered by indictment in the Nicholas circuit court, unless it shall be shown that, at a meeting of the board, a vote was

taken as to whether or not said board should cause said report to be furnished as required by this act, and that he voted in favor of causing the report to be furnished. The president and the members of the board of directors may be indicted jointly or severally for a failure to perform their duties under this section.

§ 6. *Be it further enacted*, That no officer or agent of any turnpike road company which has been or may hereafter be incorporated under the laws of this Commonwealth, and in which said county of Nicholas owns stock, shall pay out to any person or persons any money received by him from the revenues of said turnpike road except upon the order of the board of directors of said road, signed by the president and secretary of said company; and any person violating the provisions of this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars or more than five hundred dollars, to be recovered by indictment in the Nicholas circuit court.

§ 7. That no appropriation or order to pay out money arising from the revenue of any such road as is described in section 6 of this act shall be made by the board of directors of such road company for any other purpose than to keep such road in sufficient repair and in good traveling condition, or to pay its officers or agents who may be employed in the management of said road, if authorized by law to do so, unless at the time such appropriation or order is made such road is in good and sufficient traveling condition and in good repair. For a violation of the provisions of this section the members of said board may be indicted jointly or severally, and, if convicted, shall be found guilty of a misdemeanor, and fined not less than fifty dollars or more than five hundred dollars. On the trial of any such indictment, it shall only be necessary for the Commonwealth to prove that such appropriation or order was made by the board, and that at the time it was made said road was not in

good and sufficient traveling condition or in good repair. If, however, any person so indicted, being a member of said board, shall show by proof that he did not vote in favor of said appropriation or order, or that he voted against it, such person shall be acquitted.

§ 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 9. This act shall take effect and be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 358.

AN ACT to amend an act, entitled "An act incorporating the Louisville and Jeffersonville Ferry Company," approved March 16, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville and Jeffersonville Ferry Company shall have authority to use the boats and other property owned or chartered by it in making excursions up and down the Ohio river, or charter the same from time to time to other persons for such purpose.

§ 2. This act shall take effect from its passage.

Approved February 29, 1888.

CHAPTER 359.

AN ACT to incorporate the Mayfield and Lynville Gravel Road Company, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. J. Elmore, Wm. McDonald, W. S. Cook, F. E. Cosby and J. E. Robbins, their associates, successors and assigns, who may become stockholders,

Incorporators
and corporate
powers.

be, and they are hereby, created a body-politic and corporate, by the name and style of the Mayfield and Lynville Gravel Road Company, for the purpose of constructing a gravel road from Mayfield to Lynville, in Graves county; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and to do any and every other thing necessary, proper or convenient to be done to carry out or facilitate the execution or operation of the purposes of this corporation as completely as a natural person might do.

§ 2. That the capital stock of said company shall Capital stock. not exceed seventy-five thousand dollars, and shall be divided into shares of twenty-five dollars each.

§ 3. That the private property of stockholders shall Exemption of private property. be exempt from corporate debts.

§ 4. That said road may be constructed of stone, gravel, wood or iron, or of all of said materials, and shall not be less than fifteen nor more than thirty feet wide; and the right over which said road is constructed shall not be less than twenty feet nor more than fifty feet wide. Material and width of road.

§ 5. The persons named in this act are hereby declared to be the present board of directors of said company, and shall hold their office until the first Saturday in January, 1889, and until their successors are elected and qualified. Said directors shall elect one of their number president, one treasurer, and one secretary of said company; all of said persons are appointed commissioners, and any of said persons are hereby appointed and authorized commissioners to receive subscriptions to the capital stock of said company. Present board, who constitutes and term of office.

§ 6. That said road shall be located on the present Location of road. road leading from Mayfield to Lynville, wherever it is practicable and to the interest of said company to

do so; and for the purpose of constructing said road the directors may receive grants of right of way and material for the construction of said road; and in the event they can not agree with the owners of the soil and material, they may proceed and have the same condemned as provided by the general law of the State in reference to the condemnation of property for gravel road purposes. For the purpose of locating said road it shall be lawful for the president and directors to enter, with their surveyor, chain-carriers and engineers, upon the land and inclosures and roads through, over and along which the intended road passes, to examine and survey grounds suitable for that purpose, and examine beds of stone, gravel and other material suitable for construction of said road.

Toll-gates.

§ 7. Said company shall have the right to erect a toll-gate so soon as it has completed two miles of consecutive road; and upon completion of said road, may erect one toll-gate for each five miles of road as it is completed; said company shall also have the right to collect toll for the actual distance traveled by parties over said road who pass through any of its gates; but said company shall at no time charge a greater rate of toll than that now allowed by the General Statutes; and said company shall not erect any toll-gate within three-fourths of a mile of the court-house in said city, nor nearer the city of Mayfield than the junction of the Mayfield and Cuba road with the Mayfield and Lynville road.

Elections.

§ 8. The annual election of officers for said company shall be held on the first Saturday in January, beginning with the first Saturday in January, 1889. The directors of said company shall fix the place and hours between which said election shall be held, reasonable notice being given; and each stockholder shall be entitled to cast one vote for each share of stock he owns.

Certificates of stock.

§ 9. That the stock certificates shall be signed by the president and countersigned by the secretary.

§ 10. The board of directors of said company, at any time they deem it advisable, may borrow money for the use of said company ; said indebtedness to be evidenced by bonds of the company, signed by the president and countersigned by the secretary, and of denominations to be fixed by the board of directors ; and to secure the payment of said bonds and interest said board may, by deed of trust or mortgage, pledge all property, rights, franchises, claims or incomes of said company, of whatever kind or description, for the payment of interest and principal when due.

§ 11. That the board of directors of said company shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful performance and honest discharge of his duties, and to faithfully account for all moneys that may come to his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of their proceedings, which shall be signed by the president ; and in the absence of the president, the board may elect a president *pro tem*. Said board of directors shall have power to make all necessary by-laws and regulations for the government of said company ; and may sue for and recover in the name of said company, from delinquent stockholders, the amount due and unpaid upon any share or shares of stock in said company ; and said company shall have a lien on said share or shares of stock for any sum which may be due or owing it for same.

§ 12. That the board of directors may annually make and declare equitable dividends of the surplus earnings of said company among the stockholders, according to their respective shares, after paying the expenses of said company.

§ 13. That the stockholders shall pay their subscriptions in calls of such amounts, at such times, and to such person or persons, as the board of directors may, by resolution, direct.

§ 14. That said company shall have the right and authority to construct a branch road from any convenient point on its main road to the town of Farmington, in said county ; and shall also have the right and authority to build a branch road from its main road to the town of Cuba, in said county ; and said company is given the same right to erect toll-gates and collect tolls on said branch roads that is given on the main road from Mayfield to Lynville.

§ 15. That this act shall take effect and be in force from and after its passage.

Approved February 29, 1888.

CHAPTER 360.

AN ACT to incorporate the Hodgenville and Buffalo Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company be, and the same is hereby, incorporated, under the name and style of the Hodgenville and Buffalo Turnpike Company, with power to construct a turnpike road from Hodgenville to intersect the Bardstown and Green River Turnpike, at the point where the Hodgenville and Greensburgh dirt road now crosses said Bardstown and Green River Turnpike, in Larue county, or at a point where the Stiles Ford road intersects said pike ; and by said name shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to open books and receive subscriptions to the capital stock of said company, viz: J. R. Redman, Robert Friend, J. F. Wirth, Jos. Skaggs, T. W.

Creal, James Huber, L. L. LaRue, O. T. Petty, John Duncan, S. O'Bryan, Jacob Hubbard, J. R. Hayes, B. J. Hargan and R. H. Mass, any three of whom may act.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each, and the entire capital stock of said company shall not exceed the amount necessary to construct said road and the erection of toll-houses and gates and other necessary buildings and appliances. Capital stock.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of the work on said road, the commissioners, or such of them as may act, shall, at such time and place as they deem proper, call a meeting of the stockholders and hold an election for a president and four directors, to act for one year or until their successors are elected and qualified; and at such election each stockholder shall be entitled to one vote for each share of stock he holds. Meetings of stockholders.

§ 5. The width of said road, and the width of that part covered with metal, the depth of the broken metal, and the size thereof, the quality of gravel, the grade of said road, also the elevation and character of the ditches on each side and water drain shall be determined by the directors, two of whom with president, or three of whom without the president, shall constitute a quorum to transact any business. Width of road.

§ 6. Said directors shall locate said road on the most practicable route, and for that purpose may, with their engineer, chain-carriers and other hands, enter upon the lands and highways or public roads of said county along said route, and lay off and locate the same. Said company may also go upon the lands or inclosures of individuals contiguous or near to their road, to examine any lands, quarries, gravel beds, stone, timbers, for the purpose of constructing said road; and if the directors and one owner or owners of said lands or material necessary to build said Location of road.

road, culverts or bridges, fail to agree upon the value thereof, the board of directors may have the same condemned for these purposes as provided by the general laws of this Commonwealth authorizing the condemnation of private property for turnpike road purposes.

Treasurer.

§ 7. It shall be the duty of the president and directors to appoint one of their number treasurer, who shall execute bond with good surety, and shall be responsible for all money of the company placed in his hands, and he shall keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder at any time.

Toll-gates.

§ 8. In establishing and erection of gates and collection of toll, said company should be governed by chapter 110 of the General Statutes.

§ 9. This act shall take effect from and after its passage.

Approved March 1, 1888.

CHAPTER 361.

AN ACT incorporating the board of trustees of Trinity Hall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incorporators.

§ 1. That the Right Reverend Thomas Underwood Dudley, Doctor in Divinity, as the Bishop of the Diocese of Kentucky, and John M. Robinson, John H. Lindenger, Chas. P. Robinson, Chas. R. Peaslee, Wm. Reinecke, Hunter Wood, Frank P. Wolcott, Fayette Hewitt and Thos. N. Allen, and their successors, who shall be chosen or elected, as hereinafter prescribed, are hereby incorporated as a body-politic and corporate, under the name, "The Board of Trustees of Trinity Hall;" and by that name shall have perpetual succession, and be capable of suing and being sued,

of contracting and being contracted with ; and of acquiring, taking and holding, in trust and otherwise, by purchase, grant, gift, devise or bequest, all and any estate and property, real and personal, necessary and convenient for the purposes of the said corporation, and to sell, convey or otherwise dispose thereof, the same as natural persons ; and to have and use a common seal, and to change and renew the same at pleasure.

§ 2. The object and purpose of the said corporation shall be the establishment, erection, maintenance and management of a high school for boys, in the county of Jefferson, in accordance with the doctrine, discipline and worship of the Protestant Episcopal Church in the United States of America.

Object and purpose of incorporation.

§ 3. The persons named in the first section of this act shall be, and they are hereby, constituted the first trustees of the said corporation, and the bishop of the Protestant Episcopal Church in the diocese of which the county of Jefferson shall be a part, exercising jurisdiction as such for the time being, shall always be a trustee *ex officio*, and the official head and president of the said corporation ; and the tenure of the others shall be as follows : Of the three first named until the adjournment of the annual meeting of the diocesan council of the said diocese in the year 1890 ; of the three next following, until the adjournment of the annual meeting of the said diocesan council in the year 1889 ; and of the three last named, until the adjournment of the annual meeting of the said diocesan council in the year 1888 ; and the said diocesan council shall elect at every annual meeting three trustees to fill the vacancies then to occur in the said board, which trustees so elected shall hold office until the adjournment of the third annual meeting of the said diocesan council following their election, and until their successors shall have been elected. But the said board shall have power to fill vacancies

First trustees and powers.

occurring in its number for the unexpired term of trustees.

Board of visitors. § 4. A board of visitors, consisting of three clergymen and three laymen, communicants of the Protestant Episcopal Church in the United States of America, may be elected annually by the diocesan council of the said diocese, which board is hereby invested with visitatorial power, and shall have access to the said school at all reasonable hours, and shall report from time to time to the said diocesan council.

May adopt by-laws. § 5. The said corporation shall have power to adopt statutes, by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State or of the United States, for the government, regulation and management of the said corporation, its business, officers, property and affairs, and may amend and repeal them from time to time as it may seem fit.

May make exchange of property. § 6. In case the said corporation shall, in any manner, make or acquire improvements upon any real property belonging to the Cave Hill Cemetery Company, it is hereby authorized to make an exchange of other property for that upon which said improvements may be situated; and the Cave Hill Cemetery Company is authorized to make conveyance of the property upon which the said improvements are situated, in exchange for other property which, in the judgment of the board of directors of the said Cave Hill Cemetery Company, may be suitable and proper for the purposes of the said Cave Hill Cemetery Company.

§ 7. This act shall take effect at its passage.

Approved March 1, 1888.

CHAPTER 363.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the City Passenger Railway Company,'" approved May 18, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the City Passenger Railway Company,'" approved May 18, 1886, be, and the same is hereby, amended as follows: That the corporate name of the corporation is hereby changed from that of the Central City Passenger and Transportation Company to that of the "Passenger and Belt Railway Company;" and by that name it shall have, use and enjoy, all and singular, all the rights, powers, privileges and franchises heretofore granted and conferred by the original act of incorporation and that to which this act is an amendment.

§ 2. That said company, on its line of railway encircling the city, or its belt railway line connecting the tracks and depots of other railway companies, may use, for the transportation of trains and freight cars, steam power.

§ 3. That said company, for the purposes of constructing its line or railway aforesaid, and in securing the right of way, shall have the general powers of condemnation prescribed and granted by the general laws to railway companies, to be exercised and used subject to the restrictions prescribed in the general laws.

§ 4. That work on the construction of said company's railway shall be commenced within two years, and said railway shall be operated within five years.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1888.

CHAPTER 364.

AN ACT to incorporate the Bank of H. Y. Davis & Co.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a bank is hereby established in the town of Cave City, Kentucky, in the name and style of H. Y. Davis & Co., and by that name are incorporated, and may contract and be contracted with, sue and be sued, and may have a common seal, and change the same at pleasure.

§ 2. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully received as money, and repay the same in such manner and at such time as may be agreed upon with depositors by special or general contract; and may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other security and real estate for the payment thereof, and dispose of the same as now authorized by the laws governing the incorporated banks of this State; and promissory notes made negotiable and payable at this bank, or any bank incorporated under the laws of this State, or organized in this Commonwealth under the laws of the United States, which shall be indorsed to and discounted by it, shall be placed on the same footing as foreign bills of exchange, and like remedies may be had thereon, jointly and severally, against the drawer, indorser and acceptor: *Provided*, That nothing in this act shall be construed to exempt H. Y. Davis & Co. from individual liability to the depositors of said bank.

§ 3. This bank may commence business with a capital of ten thousand dollars, which may be increased to fifty thousand dollars.

§ 4. The estate, real, personal, funds, business, and prudential affairs of the said bank, shall be under the control of not less than two directors, who shall be

shareholders, and to be chosen annually on the first day of July by said shareholders by a plurality vote. The capital stock of said bank shall be divided into shares of one hundred dollars each, and each shareholder shall be allowed one vote for each share of said stock that he may own. Said directors shall also, at their annual election, elect a president for said bank, who shall hold his term until the next annual election, or until his successor is elected and qualified.

§ 5. That H. Y. Davis and C. L. Caldwell are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified.

§ 6. This act shall take effect from and after the fourth day of July, 1888, and may continue in force for thirty years.

Approved March 1, 1888.

CHAPTER 365.

AN ACT to amend the charter of the Springfield, Maxville and Harrodsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the section 6 of an act to incorporate the Springfield, Maxville and Harrodsburg Turnpike Company, approved February twenty-first, 1849, be amended by striking out of said charter the thirty-third section of an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, which section is referred to and made part of the Springfield, Maxville and Harrodsburg Turnpike Road Company.

§ 2. This act to take effect from day of its passage.

Approved March 1, 1888.

CHAPTER 366.

AN ACT to incorporate the Springfield, Perryville and Long Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That G. L. Kimberlin, George Cocanougher, Jno. Cocanougher, Wm. Cocanougher, James Burns, R. L. Best, J. H. Best, Harvey Key and G. W. Russell, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Springfield, Perryville and Long Run Turnpike Company," and by said name and style shall have perpetual succession, and power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts in this Commonwealth.

§ 2. The Springfield, Perryville and Long Run Turnpike, to be built under these articles of incorporation shall begin at the mouth of Long Run creek, on the Springfield and Perryville Turnpike Road; thence running up said creek to James Burns'; thence north-east to Pope's chapel on Deep creek, intersecting the Deep creek and Gravel Switch Turnpike Road at said chapel, being in length, from origin to terminus, not exceeding six miles; said road beginning in Washington county and ending in the same.

§ 3. The principal place of business to be along the line of said road to be known as the "Springfield, Perryville and Long Run Turnpike Road."

§ 4. The general nature of the business proposed to be transacted is such as is necessary for the construction and maintenance of a turnpike road, whose grade is eighteen feet, twelve feet of which is to be metal, stone or gravel, or both.

§ 5. The amount of capital stock authorized to be subscribed shall be divided into shares of twenty-five dollars each, and shall not exceed six thousand dollars. A book for the subscription of stock in said

company may be opened under the direction of the persons named in the first section of this act, and shall remain open till the whole capital stock, or enough thereof to complete said road, shall have been subscribed.

§ 6. When the above named persons think a sufficient amount of stock has been taken to justify a commencement of work, they shall call a meeting of the stockholders, and hold an election for president and five directors, who shall hold their office for one year, or until their successors are elected and qualified; and thereupon work may commence upon said road under their superintendence and control, and the president and directors shall elect one of their number treasurer, who shall execute bond, with approved security, and be responsible for all money received by him for said road, and shall pay out the same as directed by the president and directors, and keep a record of all his transactions as said treasurer of said road company, and shall remain in office until another shall have been elected by said board. The highest amount of indebtedness to which the said corporation shall at any time subject itself, shall not exceed three thousand dollars.

§ 7. The above-named road shall be built in conformity to the specifications laid down for all roads in Washington county.

§ 8. Private property shall be exempt from corporate debts.

§ 9. The stock subscribed shall be paid at such times and in such manner as may be indicated by the board of directors.

§ 10. That it shall be lawful for the said board of directors to charge and collect such rates of toll for travel on their road as are allowed by law, and may charge at the same rate for each fraction of a mile traveled thereon.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 1, 1888.

CHAPTER 369.

AN ACT to incorporate the Kentucky Trust and Investment Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. Nahm, C. G. Smallhouse, N. A. Porter,
Incorporators. James D. Hines, I. D. McGoodwin, T. J. Smith, A. J. Claypool, J. F. Dunavan, W. S. Ragland, J. M. Holman, J. E. DuBose and C. U. McElroy, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-politic and corporate, by the name of the Kentucky Trust and Investment Company, and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall consist
Capital stock. of one thousand shares, of the value of one hundred dollars each, with the privilege of increasing the capital stock by a vote of two-thirds of all the stockholders (in amount), at any annual or special meeting, to any sum not exceeding five hundred thousand dollars; and the incorporators, or any three of them named in the first section of this act, shall have the
Subscription power to open books and receive subscriptions at such
books. times and places as they may deem expedient; and when not less than one hundred shares shall have been subscribed, and ten per cent. thereof paid in, the shareholders may elect a board of not less than five nor more than thirteen directors, who shall serve until the next annual election, which shall be on the second Tuesday of January of each year, or until their successors are duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise, in the name and behalf of the company, all the rights

and privileges which are hereby given ; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon payment of the price fixed by the board of directors.

§ 3. The principal office of said company shall be Principal office. in the city of Bowling Green, Kentucky. All the directors of said company shall be citizens of the State of Kentucky, and the board of directors shall keep a record of their proceedings.

§ 4. The directors shall elect from their number, at President and vice-president. the first meeting of the board after their election, and directly after each annual meeting of the stockholders, a president and vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified ; and may appoint Other officers. a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation, and may require from any of said officers bond for the faithful discharge of their duty. All elections Elections. for directors shall be *vida voce*, and every stockholder shall be entitled to one vote for each share of stock held by him ; but no person shall be eligible as director who is not a stockholder to the amount of five shares. At any meeting of the stockholders, except the annual election for directors, a quorum shall consist of stockholders owning at least one third in value of the capital stock ; five or more of the board of directors shall constitute a quorum.

§ 5. The board of directors shall make all by-laws By-laws. necessary for conducting the business of the corporation, and shall have power to require payment of the amount remaining unpaid on the stock of the corporation at such times and in such proportion as they shall think proper. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 6. Said corporation may purchase, erect or lease a Powers. building or premises containing a strong and commo-

Safety vault.

dious safety vault, and a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place for safe deposit of valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time, as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments. Said corporation may, until it secures a safety vault for valuables intrusted to it, rent or hire boxes in the safety vault of any other company or corporation, or rent a room or rooms for its use until it shall erect, rent or purchase a building.

Authority.

§ 7. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president, or secretary, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

May be appointed guardian, etc.

§ 8. The said corporation may be appointed, and may act as guardian of infants, as executors or administrators, or committee of idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with the law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority,

and may receive and manage any sinking fund therefor; and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 9. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement, as near as practicable, of the value of the estates and property so committed to said company, which statements shall be verified by the oath of one of the said officers; and said trust company shall be primarily and specially liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation; but nothing herein shall be construed to permit said company to discount paper or to engage in the business of banking. Said corporation shall keep a complete set of books, showing receipts and disbursements of money,

Capital stock,
how invested.

Responsibilities.

Can not discount
paper.

and giving a full and correct account of all its transactions in each and all of the trusts committed to its care ; which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest, at such times as such courts may direct.

Capital stock
liable for security

§ 10. The capital of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest ; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and any time thereafter, to examine the officers of the company, under oath or affirmation, as to the security aforesaid and the amount and extent of its fiducial liabilities ; and if deemed advisable by said court or courts to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made and the security offered to those by or for whom its engagements are held, the expense of such investigation to be paid by said company.

Duties and re-
sponsibilities.

§ 11. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts on or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

§ 12. Said corporation may, from time to time, de-^{May declare}clare and pay dividends; but such dividends shall be^{dividends.} paid only from the net earnings of the company.

§ 13. This act shall take effect and be in force from its passage, and continue in force for thirty years.

Approved March 1, 1888.

CHAPTER 370.

AN ACT to amend the charter of the city of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of said city shall be as fol-^{City limits.}lows: Beginning at the north-west corner of C. W. West's lot and Licking river; thence east across the Kentucky Central Railroad to a point on the John K. Lake land, about two hundred feet north-west of where the Cynthiana Falmouth pike crosses the Kentucky Central Railroad; thence in a south-easterly direction along the eastern line of the Kentucky Central Railroad across the culvert over Flat run to the John R. Madison line; thence east with the north line of said Madison and W. H. Throckmorton to the line running north and south between the lands of W. H. Throckmorton and Sudie P. Reynolds; thence south with the line between Sudie P. Reynolds and Throckmerton to the northern line of the Cynthiana and Claysville Turnpike Road; thence east with the northern line of said turnpike road to a point opposite the eastern line of the property conveyed to R. M. Collier by W. T. Lafferty; thence south with said Collier's line to D. A. Givens' line; thence south-west to the north-eastern corner of S. J. Ashbrook's property; thence south with said Ashbrook's line to the Cynthiana and Millersburg pike; thence due south to Fish-pond Run; thence

down Fish-pond Run to low-water mark on Licking river; thence down said river with low-water mark to a point opposite the north-eastern corner of David Burk's land; thence west with Burk's line to Abram Renaker's line; thence north with said Renaker's line to the northern line of the Cynthiana and Ashbrook Mill Turnpike Road; thence east with the northern line of said turnpike road and across the Cynthiana and Raven Creek Turnpike Road and Licking river to low-water mark on the east side of said river, about five feet north of the abutment of the iron bridge; thence down the river with the low-water mark to the place of beginning.

Divided into
wards.

§ 2. That said city is hereby divided into four wards, to be known as wards numbers one, two, three and four. Ward number one bounded as follows: Beginning at the intersection of Main and Pleasant streets; thence north with said Main street to the intersection of the Cynthiana and Falmouth Turnpike with the Kentucky Central Railway on the eastern margin of said railway; thence with the north and eastern boundary of said city to the point where Pleasant street, if extended east, would intersect the eastern boundary line of the city; thence west with Pleasant street to the beginning. Ward number two, beginning at the intersection of Main and Pleasant streets; thence south with Main street to Bridge street; thence east with Bridge street to the intersection of the same with Walnut street; thence south with Walnut street to low water-mark on the east side of South Licking river; thence with the boundary of the city up said river and Fish-pond run, and along the eastern boundary of the city to ward number one; thence west with the boundary of ward number one to the beginning. Ward number three, beginning at the intersection of Bridge and Walnut streets; thence south with the latter street to low water-mark on the east bank of South Licking; thence down said river at low water-mark on the east bank to the north-east

corner of Caleb West's lot; thence with the boundary of the city to the intersection of the Cynthiana and Falmouth Turnpike therewith; thence south with Main street to Bridge street; thence east with Bridge street to the beginning. Ward number four shall embrace all that part of the city west of ward number three.

§ 3. On the first Saturday in April, 1888, and at the same time in each succeeding year, there shall be elected by the qualified voters therein, in ward number one, three councilmen; in ward number two, three councilmen; in ward number three, two councilmen, and in ward number four, one councilman, who shall hold their offices for one year, and until their successors are elected and qualified, and who shall have been bona fide residents of the ward in which they may be elected for not less than sixty (60) days next before said election, and shall possess all the other qualifications now prescribed for the mayor and councilmen of said city. Election of councilmen.

§ 4. At the same time and places there shall be elected by the qualified voters of said city, voting in their respective wards, a police judge, who shall possess all the qualifications now prescribed for the mayor of said city; who shall have all the judicial powers in civil actions and criminal and penal prosecutions now vested in the mayor of said city, and shall hold his office for one year, and until his successor is elected and qualified. Election of police judge.

§ 5. The councilmen shall meet on the first Tuesday after their election, and after being duly qualified as now prescribed by law, shall elect one of their number mayor of said city, who shall perform all the duties now prescribed for the mayor, except those vested in the police judge by section 4 of this act. Council to elect mayor.

§ 6. The mayor and councilmen shall elect the clerk and treasurer of the city, and shall have all the powers now vested in the mayor and councilmen. clerk.

§ 7. The offices of police judge and councilman shall be incompatible.

Qualification of voters. § 8. No person shall be entitled to vote for councilman or police judge in said city, unless he be a male citizen of Kentucky over twenty-one years of age and a *bona fide* resident of the city for one year, and of the ward in which he offers to vote for sixty (60) days next before the election: *And provided further*, That such person shall have paid his poll-tax thirty days before the election, and have been registered as provided in section 9 of this act, and shall not be in arrears for any poll-tax levied after the passage of this act, and within three years before he offers to vote.

Treasurer. § 9. It shall be the duty of the treasurer, upon payment of the poll-tax, which shall not be less than one dollar and fifty cents a year for each legal voter, to enter his name, ward and residence in a book kept for that purpose, and to furnish a list of the registered voters in each ward to the officers of the election before the opening of the polls.

Voting place and judges of election. § 10. The mayor and councilmen of the city shall fix a voting place and appoint three suitable persons as inspectors in each ward, who shall be qualified electors in the ward, and who shall hold the election and perform all the duties of inspectors as prescribed by section 3 of the charter of the city of Cynthiana, approved January 22, 1868.

County judge. § 11. If the mayor and councilmen fail or refuse to fix the voting places or to appoint inspectors of election, the presiding judge of Harrison county, upon the written application of ten qualified voters of the city, shall fix the time and places for holding the election and appoint the inspectors thereof, of which he shall give five days' notice by posting the same in three or more public places in the city.

Election returns to be canvassed. § 12. On the first Monday after the election the mayor and councilmen in office at the time of the election, shall canvass the returns from the several

wards, and declare and certify the result of the vote for police judge and councilmen.

§ 13. Any person voted for at such election may ^{Contest.} have the action of the mayor and councilmen revised, by appeal to the county board of canvassers of Harrison county, who shall try the contest as in cases of contested elections for county officers, and their decision shall be final.

§ 14. All acts or parts of acts in conflict with the provisions of this act are repealed.

§ 15. This act shall take effect from its passage.

Approved March 1, 1888.

CHAPTER 371.

AN ACT to amend an act, entitled "An act to amend and reduce into one the various acts in regard to Bardstown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 5 of article 1 of an act to amend and reduce into one the various acts in regard to Bardstown, approved March 13, 1878, be amended by adding thereto the following proviso: That all persons offering to vote, in any municipal election in said town, shall have paid all taxes assessed against or due by them to said town, on or before the first day of March preceding the election at which such persons offer to vote.

§ 2. This act shall apply to all taxes now due for the present fiscal year of said town, and thereafter to all taxes assessed or accruing for any year or years, after the passage of this act.

§ 3. That all acts or parts of acts in conflict herewith, relating to Bardstown, are hereby repealed.

§ 4. That this act shall take effect at its passage.

Approved March 2, 1888.

CHAPTER 372.

AN ACT to amend the charter of the town of Munfordville, Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of Munfordville may appoint a treasurer for said town, who shall execute bond for the faithful performance of his duties, to be approved by the chairman of the board of trustees, and shall take and subscribe before some authorized officer the oath prescribed by the Constitution of this Commonwealth, and shall file same, duly certified by the officer before whom it was taken, together with said bond, with the chairman of the board of trustees. No one shall be eligible to said office of treasurer of said town who is not a citizen thereof, and a qualified voter under the laws of this Commonwealth.

§ 2. All fines and forfeitures recovered in any court for offenses committed within the town limits are hereby granted to the town of Munfordville, and shall be paid by the officers collecting the same to the town treasurer of said town.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1888.

CHAPTER 373.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Land and Immigration Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of directors of the Kentucky Land and Immigration Company may increase the

capital stock of said company to any number of shares not exceeding ten thousand.

§ 2. This act shall take effect and be in force from its passage.

Approved March 2, 1888.

CHAPTER 374.

AN ACT to amend an act, entitled "An act to incorporate the Bagdad, Jacksonville and Benson Turnpike Company," approved April 13, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to incorporate the Bagdad, Jacksonville and Benson Turnpike," approved April 13, 1880, be amended by striking out the words "Benson Valley," in the sixth line thereof, and inserting the words "St. John's," and by adding to said section the following words: "The private property of the stockholders shall be exempt from the debts of said company."

§ 2. This act shall take effect from its passage.

Approved March 2, 1888.

CHAPTER 375.

AN ACT for the benefit of the North and Hendren Districts of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Washington county court, at the April term of said court, 1888, a majority of the magistrates in the county concurring therein, and the county judge approving same, is hereby authorized and empowered to appropriate a sum of money, not exceeding four hundred dollars, to be expended as hereinafter provided.

§ 2. The said appropriation shall be used for building or purchasing a house in each of two districts in said county, known as the North and Hendren Districts, to be used for the purpose of holding elections and magistrates' courts in said districts.

§ 3. The said appropriation shall be equally divided between the two districts, and shall be expended under the supervision of commissioners appointed by the Washington county court, and under the direction of said court.

§ 4. This act to take effect from and after its passage.

Approved March 2, 1888.

CHAPTER 376.

AN ACT to incorporate Hickman College, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Style of incorporation.

§ 1. Charles Baltzer, J. W. Cowgill, H. C. Amberg, W. P. Taylor, Dr. A. A. Farris, Dr. B. F. O'Daniel, Israel Clark, Lee P. Ellison and W. C. Johnson, be, and they are hereby, created a body-politic and a corporation, under the name and style of the Hickman College, to be located hereafter within the corporate limits of the city of Hickman, Fulton county, Commonwealth of Kentucky, for the education of males and females, with perpetual succession; and in that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of law or equity; may have a common seal, which they may break, alter or renew at pleasure, shall have power to adopt such laws, rules and regulations, for the management and superintendence of said college as they may from time to time deem expedient: *Provided,*

That the same be not repugnant to the laws of the Commonwealth of Kentucky; and they shall serve and be empowered as trustees of said college, in accordance with the provisions of this charter, until the election for the purpose of electing trustees in May, 1888, shall occur, and their successors shall have been elected and qualified.

§ 2. Said corporation may at all times hereafter be capable in law to have, receive, and retain, to them and their successors, property, real and personal, also, devises or bequests of any person or persons, bodies co-operate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

May receive donations.

§ 3. That the Hickman College shall be, and is hereby, declared a common school for white children only, and shall be entitled to all the rights and privileges of a common school, and shall draw from the school fund of the State of Kentucky, each year, all the moneys due the district herein named, viz: within the corporate limits of the city of Hickman: *Provided always*, That said college shall afford facilities for teaching all the white children in said city of Hickman, and for the period of which each of said pupils is, or may hereafter be, entitled to tuition under the general laws in relation to common schools.

Declared common school.

§ 4. For the purpose of enabling the trustees first mentioned to build a suitable building, the question of a subscription of twelve thousand dollars by taxation shall be submitted to the qualified white voters of the city of Hickman, at an election to be held in said city of Hickman, at or near the city hall in said city, on the first Monday in April, A. D. 1888, and that said election shall be held as follows: The common council of the city of Hickman, at their first regular meeting in March, A. D. 1888, shall order said election to be held, and shall appoint two judges, a clerk and a sheriff to hold said election, and have said order of election advertised in the Hickman Courier, or

Vote to be taken.

other newspaper published in said city, at least two weekly insertions next preceding said election; and that the clerk so appointed shall prepare a poll-book with two columns, for the purpose of ascertaining the desire of the people of said city of Hickman in relation to the subscription aforesaid; the first column shall be headed "For subscription;" the second "Against subscription;" and in taking the vote in said election, the question shall be distinctly put to every qualified white voter: "Are you for or against the subscription?" and the clerk of said election shall record the vote in accordance with the answer. That the vote of said question shall be kept, recorded and counted, and the result shall be ascertained and certified by the officers of said election, when same is legally closed. The sheriff of said election shall deposit said poll-book and certificate with the clerk of the city council within two days thereafter, and the same shall be examined by the common council at the next regular meeting thereafter, and the result noted on the minutes of said council, and the poll-book and certificates preserved, and shall be evidence of said election; and if a majority of the votes cast be in favor of said subscription, the city council of the city of Hickman shall make said subscription of twelve thousand dollars to build said college.

City bonds, how
issued.

§ 5. To enable the city of Hickman to pay said subscription it shall be lawful for, and the common council of said city are required, to issue the bonds of said city of Hickman, to run from one to eight years, inclusive, in series—the first series due July 1st, 1889, and the last due July 1st, 1897, to bear interest at the rate of six per centum per annum, interest due annually on the first of July, to be issued of series from one to eight, for fifteen hundred dollars each series, said bonds to be in any denomination not less than fifty dollars, and to be styled "City of Hickman College Bonds," and made payable to the bearer, and shall pass by the delivery, and shall be

signed by the city clerk and countersigned by the mayor, and the seal of said city attached, and that the faith and credit of the city of Hickman be, and the same is hereby, pledged to carry out, in good faith, any and all contracts made by it for the issuance and payment of said bonds.

§ 6. It shall be lawful, and the common council of said city shall, for the year A. D. 1889, and each year thereafter until all of said bonds shall have been paid, levy an ad valorem tax, not to exceed fifty cents on the one hundred dollars' worth of taxable property owned and controlled by the white citizens within said city of Hickman, and a poll-tax not to exceed one dollar on each white poll within said city, to be levied and collected at the same time, in the same manner, and by the same officers as the law now levies and collects her current annual revenue, and when collected, shall be a sacred fund for the purpose of paying said college bonds and interest, and for no other purpose.

§ 7. It shall be the duty of the trustees of Hickman College to make an annual report to the Superintendent of Public Instruction or county superintendent of all moneys received and expended, and for what purpose expended.

§ 8. The election for trustees of said college shall be held annually the first Saturday in May, at or near said college, by officers to be appointed to hold said election by the city council.

§ 9. No person shall be eligible to the office of trustee unless he be a citizen of said city and twenty-one years old. Vacancies caused from death, resignation or removal may be filled by the majority vote of the then acting trustees.

§ 10. The corporation is hereby vested with power and authority to grant diplomas, certificates and medals, in conformity with the provisions of its constitution and by-laws, and shall be entitled to all the

rights and privileges conferred upon other colleges and universities.

Trustees to sell and convey old school property. § 11. That the trustees are hereby authorized to sell and convey the common school property now located in said city, and the proceeds of the sale shall be expended in the purchase of a lot and the building of the college hereinbefore mentioned. The board of trustees shall, at their first meeting, after taking an oath to faithfully discharge their duties as trustees of said college, elect one of their number chairman, who shall preside over all meetings of the board and decide all questions when there is a tie of the other members present. They shall also elect a clerk and treasurer, who shall, before entering upon the discharge of their duties, execute a good and sufficient bond that they will pay over any and all moneys that may come into their hands as such officers. The trustees shall contract with competent teachers to fill the different chairs of said college.

Take oath.

School property exempt from taxes. § 12. The lands, buildings and property of the Hickman College shall be free from and exempt from taxation, either State, city, corporation or county, as long as the same is used for the purposes set out in this chapter.

§ 13. This act shall take effect from and after its passage.

Approved March 2, 1888.

CHAPTER 377.

AN ACT to amend an act to incorporate the Charleston, Kentucky, and Western Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendment to previous act. § 1. That an act, entitled "An act to incorporate the Charleston, Kentucky and Western Railway Company," approved May 15, 1886, be, and the same is

hereby, amended as follows, viz: By striking out of section 13 all of that portion thereof beginning with the words "provided, that no part this act" to the end of said section; and also all of sections 14 and 15 of said act, and inserting in lieu thereof the following: *Provided*, That no question of taxation to aid in the construction of said road shall be submitted to the counties of Bourbon, Bath, Clark, Fleming, or Bracken.

§ 2. That whenever said railroad company shall request the county judge of Montgomery county to subscribe stock on behalf of said county, upon specified conditions, a specified amount, not exceeding the sum of one hundred and fifty thousand dollars, such judge shall forthwith call together the justices of the peace of said county, and submit such proposition to the same; and if a majority of all said justices, and also the county judge voting if he desires, assent thereto, they shall submit the question of such subscription to the qualified voters of said county, to be voted upon by them at an election to be held for that purpose, at such time and in such manner as may be directed by the county court, and which vote shall be ascertained and certified: *Provided*, At such election no one shall be entitled to vote who has not been a resident of the county for at least three years next preceding the election, and possessing the other qualifications required by the General Statutes: *Provided*, Said railroad company shall not charge for carrying freight or passengers to Mt. Sterling, from any point on said railroad, a greater sum than is charged for carrying the same class of freight or passengers to any point beyond Mt. Sterling. And any subscription to said railroad by said county shall be held as stock by said county, and certificates issued therefor, payments only being made upon the filing with the county judge the affidavits of the president and chief engineer of said railroad company, that said road is completed and ready for business to the point specified, before

Counties to vote
on aid to.

any installments shall be due. If a majority of the votes cast at any such election shall be in favor of the proposed subscription, it shall be the duty of the county judge to make, in the name and on behalf of said county, a subscription upon the terms and in the amount specified in the proposition. Such subscription to be paid in the bonds of the county, which bonds shall be issued in denominations of not exceeding one thousand dollars each, and bearing interest at a rate not exceeding six per cent. per annum; and for the payment of which bonds and interest it shall be the duty of the county court to make proper and timely provision.

Provisions as to
certain counties.

§ 3. That in the counties of Morgan, Breathitt, Menefee, Powell and Wolfe, and Magoffin, Johnson, Lee and Owsley, the election shall be held only upon the order of a majority of the justices of the peace, and for an amount not to exceed one hundred thousand dollars; in Morgan, Magoffin, Breathitt or Nicholas, and subscription by Nicholas is upon the condition that Carlisle, in said county, is made a point on said road; and not exceeding fifty thousand dollars in the counties of Wolfe, Lee, Owsley or Robertson, and the subscription of Robertson county is upon the condition that Mt. Olivet, in said county, is made a point on said road; and not exceeding twenty-five thousand dollars in the counties of Menefee or Powell, and that only one-half of the subscription made by Menefee or Powell shall be paid when said road is built and running to the county seats thereof, and the remainder when the road is finished through the county; and the same qualifications as to voters in Montgomery county shall apply to the counties of Morgan, Magoffin, Breathitt, Wolfe, Menefee, Powell, Johnson, Lee and Owsley.

When to commence work.

§ 4. That if said company shall fail to commence work in good faith on said railroad within two years from the passage of this act, and complete the same from Mt. Sterling to West Liberty, in Morgan county,

or Jackson, in Breathitt county, within five years, then this act shall be null and void so far as it applies to the counties of Menefee, Wolfe, Breathitt and Morgan.

§ 5. That said railroad company shall commence work in good faith, on the main line of said railroad, within two years, and it shall be completed within ten years from the passage of this act; and said railroad shall be standard gauge, and any and all installments of any subscription made by any county shall be null and void, in case said road shall not be commenced in good faith in one year, and built to completion to the point specified in such proposition within three years from the taking of the vote by said county regarding such subscription: *Provided, however,* That no subscription to aid in the construction of this railroad shall be submitted to either of the counties of Martin, Floyd, Pike, Letcher, Knott, Leslie or Harlan for a sum greater than the cost of the right of way through the county to which the subscription is submitted; and in no event shall any bond be issued by either of said counties until the railroad is completed through the county voting the subscription: *And provided further,* That no sum exceeding fifty thousand dollars shall be submitted to Clay county, and that no bonds shall be issued by said county until said road shall have been completed half way through said county, when bonds for half the amount shall be issued, and bonds for the remaining half shall not be issued until said road has been completed through said county.

When to begin
work and com-
plete main line.

§ 6. That the road shall be located and active work, with a view to completion, be commenced within two years from the approval of this act, and not less than ten miles of road-way shall be contracted and operated during each subsequent year, or the charter shall be forfeited to the uncompleted portion of said railroad.

§ 7. This act shall take effect from and after its passage.

Approved March 2, 1888.

CHAPTER 379.

AN ACT to repeal an act, entitled "An act to authorize the county court of Logan county to aid in building turnpike roads in said county," approved May 8, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize the county court of Logan county to aid in building turnpike roads in said county," approved May 8, 1884, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 2, 1888.

CHAPTER 380.

AN ACT to require the county surveyors of Bell, Harlan, Leslie and Perry counties to keep the records, books and papers of their offices at the county seats of said counties, and to provide offices for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the county surveyor of Bell, Harlan, Perry and Leslie counties to keep the records, books and papers pertaining to their offices at the county seats of said counties, and the same shall be subject to public inspection by any person as other public records by law are.

§ 2. That it shall be the duty of the county courts of said counties to furnish said officers with a suitable office for the preservation of the records, books and papers of the same.

§ 3. This act shall take effect from and after May 1st, 1888.

Approved March 2, 1888.

CHAPTER 381.

AN ACT to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Hustonville and Bradfordsville Turnpike Company are hereby authorized and privileged to erect and put up an additional toll-gate at or near Mrs. America Bailey's farm, on said turnpike, and authorized and empowered to collect the following tolls on said turnpike: For two-horse wagon loaded, for each five miles traveled, twenty-five cents, empty, fifteen cents; for one-horse spring wagon, loaded, fifteen cents for each five miles traveled on said road, empty, ten cents.

§ 2. This act shall take effect from its passage.

Approved March 2, 1888.

CHAPTER 382.

AN ACT to repeal an act to amend an act, entitled "An act to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for the same," approved May 10, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for the same,'" approved May 10, 1884, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1888.

CHAPTER 383.

AN ACT for the benefit of C. J. Watkins, late sheriff of Trigg county.

WHEREAS, C. J. Watkins, as sheriff of Trigg county for the year 1880, after he had settled his account, sold fifteen pieces of land, which he bid off in the name of the State, and now asks that the sale be made valid, and he be allowed the amount of taxes thereon :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The Auditor is hereby authorized to receive from the clerk of Trigg county the certificates of sale for the above mentioned fifteen pieces of land, and he is hereby authorized to examine the same, and if found correct, the sale shall be held as valid, and the amount of taxes due thereon refunded to said Watkins.

§ 2. This act to take effect from and after its passage.

Approved March 2, 1888.

CHAPTER 384.

AN ACT to amend an act, entitled "An act to incorporate the Procter Coal Company," chapter 478, Acts 1885-6.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of sections 2 and 3 of the act to which this is an amendment, as is inconsistent with this act, are hereby repealed.

§ 2. The officers of said corporation shall consist of a president, a vice-president, a secretary and treasurer, and a board of not less than five nor more than nine directors, who shall conduct and manage the business and affairs of said corporation. The directors shall be

elected on the third Tuesday in April of each year, and shall hold their offices for one year, or until their successors are elected. Such election may be held on any other day after the day fixed herein, upon ten days' notice to the stockholders; and vacancies in the board of directors, and all other vacancies, may be filled by the board in such manner as may be provided for in its by-laws. The president and vice-president shall be elected by the board of directors from its members. The secretary and treasurer shall be elected by the board of directors, and may or may not be a director or stockholder, and both offices may be held by the same person.

§ 3. By a majority vote in interest of the stockholders, the capital stock may be increased to an amount not exceeding six million dollars, and by a similar vote the company may issue bonds to an amount not exceeding one million dollars, and also preferred stock to an amount not exceeding five hundred thousand dollars.

§ 4. The present officers and board of directors shall hold their offices until the next election provided for herein, and until their successors are elected and qualified.

§ 5. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 3, 1888.]

CHAPTER 385.

AN ACT to organize and establish a system of public graded schools in Carlisle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of common school district No. 26, which embraces the city of Carlisle, are fixed and changed as follows, so as to include the follow-

Boundary of
common school
district.

ing territory, to wit: Beginning and including J. R. Piper's; thence to the old Joe. Clay farm and William Waugh's; thence to the old John W. Campbell farm; thence to Charles Wise; thence to Harry Munger's; thence to Mrs. Reid's; thence to William West's; thence to Orlando Brady's farm; thence to Mrs. Chas. Royce's farm; thence to the Bruce Johnson place; thence to the beginning; that all the territory embraced within said limits (including the entire farms of the persons named) shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees elected by the legal white voters within the limits of said territory as hereinafter directed; and shall be designated as the "Graded City School District of Carlisle, Kentucky."

Board of trustees § 2. The persons so elected shall constitute and be styled "The Board of Trustees for the Graded City School of Carlisle, Kentucky;" and by that name shall be a body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate for school purposes; and the title of all the public school property in said district shall vest in said board and their successors.

Number of trustees and how and when elected. § 3. The number of trustees for said district shall be six, to be elected on the third Saturday in June, biennially, and hold their offices until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in the case of the death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, the other members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify within one week after their election. No person shall be eligible to the office of trustee who has not resided within said district for one year next preceding his

election, and who has not attained the age of twenty-five years.

§ 4. Said trustees, before entering upon the dis-
charge of their duties, shall take an oath to faithfully
and impartially perform the duties required of them
under this act, before some officer authorized to ad-
minister oaths

Oath of trustees.

§ 5. Said board of trustees shall have the power to
fix the time and place of their meeting; to make all
by-laws and rules for the government of themselves
and appointees, and for the management, control and
government of the graded city school; and shall
cause to be kept a correct journal of their proceed-
ings, which shall be open at all times to the inspection
of any citizen of said school district.

Powers of trustees.

§ 6. The said board of trustees shall appoint all
teachers and other persons necessary to carry on said
school, and prescribe all rules for their government,
and fix their compensation or salaries; and may dis-
miss or suspend any teacher or other person ap-
pointed by them; prescribe the branches of education
to be taught in the schools, and prescribe the neces-
sary qualification for, and the mode of examination
of, pupils or persons applying for admission into the
schools.

Teachers.

§ 7. The said board shall appoint one of its mem-
bers chairman, who shall preside at all meetings, and
perform such other duties as may devolve upon him;
and may appoint a secretary, prescribe his duties,
and fix his compensation.

Chairman of board.

§ 8. All white children over six and under twenty
years of age, residing within said district, shall have
equal rights of admission to said schools, free from
all charges for admission or tuition; and it is ex-
pressly provided that only white children shall be
admitted to said schools.

Persons entitled to admission to school.

§ 9. The said board of trustees shall, at the end of
each scholastic year, make out a report in writing
(and have the same published if they deem it neces-

Reports of board

sary), showing the number of pupils in said schools, and the condition and amount of property and funds belonging thereto, and such other facts and information as the cause of public education requires. The board of trustees shall have the power to regulate and determine the length of terms and sessions of said schools in each year. The board may make, and alter at their pleasure, a set of by-laws for their government: *Provided*, That the same be not in conflict with any provision of this act.

Names of trustees. § 10. The following persons are hereby constituted and appointed trustees under this act, viz: R. C. King, T. C. Colliver, H. M. Harris, M. J. Archdeacon, A. R. Fisher and W. H. Fritts, who are hereby clothed with as full power and authority as trustees as if elected by the qualified voters in said school district at a regular school election therein for the selection of a board of trustees, and serve until their successors are elected and qualified.

Grounds and buildings. § 11. The board of trustees shall provide the funds for purchasing suitable grounds and for building the school-house or houses, and paying all the expenses of said school; and to this end it shall be the duty of said board of trustees, and they are hereby authorized and empowered, to issue the bonds of the graded city school district of Carlisle, Kentucky, to such an amount as may be necessary to provide suitable grounds and school-houses; but such amount shall not exceed twelve thousand dollars. The said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than twenty-five years, bearing interest at the rate of six per cent. per annum, payable semi-annually; said bonds shall be made payable to bearer, shall be signed by the chairman of said board of trustees and attested by the secretary thereof, and shall pass by delivery; and the board of trustees shall cause an annual tax to be levied and collected upon the same property belonging to white persons within the limits of said

graded city school district of Carlisle, Kentucky, as is taxed by the State of Kentucky for the revenue purposes of the State, and the assessments to be made between the tenth day of January and the first day of April in each year, and to an amount sufficient to pay the interest on said bonds and the principal when they fall due ; the tax so levied shall not exceed thirty cents on each one hundred dollars in any year. The Assessor. board of trustees shall appoint an assessor, who shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as may be prescribed by the board of trustees, and shall receive for his services such sum as may be fixed by the board of trustees ; said taxes shall be due on the first day of June in each year, and collected by a collector, appointed by the board of trustees for that purpose, who shall collect the taxes in the same manner as the State revenue is collected, and shall have the same power and authority in the collection of said tax as is conferred upon the sheriffs of the Commonwealth in the collection of the State revenue. Said collector shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of the graded city school district of Carlisle, Kentucky, before said board of trustees, with good security, to be approved by them, for the faithful performance of his duties, with the same penalties as are or may be prescribed by law for sheriffs in the collection of the State revenue, and shall receive for his services such compensation as may be prescribed by the board of trustees. This tax, when collected, shall be used only in the payment of the interest and principal of the bonds issued under this act : *Provided further*, That the said bonds shall not be issued until the question of their issual shall have been submitted by said board of trustees to the qualified and legal voters within the limit of said graded city school district of Carlisle, Kentucky, required to pay taxes under this act for said public graded schools ; and if a majority

of the qualified and legal voters shall vote in favor of the issual of said bonds, then it shall be the duty of said board of trustees to issue said bonds as aforesaid. The proposition for issuing said bonds shall be submitted to said voters by said board of trustees at such time and in such manner as may be fixed and prescribed by said board of trustees; and if at an election so held a majority of the voters voting at such election shall vote in favor of the issual of said bonds, it shall be the duty of said board of trustees, and they are hereby empowered and authorized, to issue the bonds of the graded city school district of Carlisle, Kentucky, to such an amount, not exceeding twelve thousand dollars, as may be necessary to provide suitable grounds and school-house or houses; said bonds shall be sold by the board of trustees, or by such person as they may authorize, for the best price they can get, but not less than par value, and the proceeds to be applied in the purchase of suitable grounds and construction of school buildings. The proposition for the issual of said bonds may be submitted any number of times (not oftener than once a year), notwithstanding a majority of said voters may have previously voted against issuing said bonds.

Sinking fund.

§ 12. For the purpose of paying said bonds at maturity, the board of trustees may create a sinking fund from the surplus left after paying the interest on said bonds, which surplus may be invested from time to time in such manner as may be deemed most expedient and profitable.

Taxation.

§ 13. The board of trustees shall cause to be levied and collected an annual tax at the rate of not exceeding fifty cents upon each one hundred dollars' worth of property owned by the white persons subject to taxation for revenue purposes to the State, within the limits of said graded city school district of Carlisle, Kentucky; and there shall also be levied annually, by said board of trustees, a capitation tax not exceeding two dollars on each white male citizen

within the limits of said school district over twenty-one years of age: *Provided*, That the levy of said ad valorem tax and capitation tax aforesaid shall not be made until the question of the levy of the same shall have been submitted by said board of trustees to the resident voters within the limit of said graded city school district required to pay taxes under this act for said public schools; and if a majority of said voters voting shall vote in favor of making said levy, then it shall be the duty of said board of trustees to make said levy, or cause the same to be done, as aforesaid. The proposition to make said levy to said voters by said board, at an election to be held for that purpose, shall be made at the same time and at the same place and in the same manner as the proposition submitted to said voters upon the question of the issual of said bonds, and by the same officers holding said election; and if, at an election so held, a majority of the legal voters voting at such election shall vote in favor of making the levy of said tax, it shall be the duty of said board of trustees, and they are hereby authorized and empowered, to make said levy to such amount, not exceeding fifty cents on the one hundred dollars of the property aforesaid in said district, and not exceeding two dollars on the head of each white male citizen therein over twenty-one years of age, as may be necessary to provide suitable teachers to teach said public graded schools, at such salaries as may be agreed upon, and to maintain and support said public graded schools generally, and to pay the incidental expense therewith connected, including the decoration of the grounds and repairs of the buildings; said taxes to be collected in the same manner, at the same time, and by the same collecting officer collecting the taxes for the payment of the principal and interest of the bonds hereinbefore described; and he and his securities shall likewise be responsible therefor and under the same penalties

as in the collection of the taxes for the payment of said bonds and interest on same, with like compensation therefor. This tax shall be called the school tax, and be used for the purposes aforesaid, including the compensation that may be allowed the treasurer, secretary, assessor and collector by said board of trustees. The proposition for submitting the vote on the question of levying said tax may be submitted any number of times (not oftener than once a year), notwithstanding a majority of said voters may have previously voted against the levying of said tax.

Treasurer.

§ 14. Said board of trustees shall have power to appoint a treasurer for said school district, who, before entering upon his duties, shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of said graded city school district of Carlisle, Kentucky, with good security, approved by them, conditioned for the faithful performance of his duties under this act. All funds arising from the sale of bonds under this act, and all funds collected for the purpose of defraying the annual expenses of said graded schools, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds for the purpose for which they were respectively raised upon the written order of the chairman of said board, and at least two of the names of said trustees signed thereto.

Enumeration
and census re-
turns.

§ 15. Said board of trustees shall have all the authority and rights, in addition to the powers herein expressly granted, which pertains, by the general law, to trustees of common schools. They shall make all such enumerations and census returns as may be required by law to the county superintendent of Nicholas county, and shall have the right to receive and appropriate the share or proportion of the State common school fund due to that part of the territory embraced within the limits of the graded city school district of Carlisle, Kentucky; and the county super-

intendent shall annually pay over to the treasurer of the board of trustees herein created the full amount of such proportion or share, which shall be held and used by them as other funds collected for the purpose of defraying the annual expenses of said graded schools.

§ 16. The board of trustees may admit into said graded schools white children who do not reside within the limits of said school district, upon such terms and conditions and upon payment of such charges as the said board may deem right. Admission of those living outside of school district.

§ 17. The board of trustees shall appoint two judges and a clerk, who reside in said district, to hold the election of trustees of said district, who shall be sworn as officers for holding State and county elections; and said judges shall make out and return the poll-books to said board, who shall examine the same and issue certificates of election to those having received the highest number of votes. Officers of election.

§ 18. The assessor, in listing and assessing the taxable property in said district for taxation under this act, shall assess the same as of the tenth of January in each year, and assess said property at its fair cash value. If the owner of any property so listed claims that the valuation is excessive, he shall have the right to bring the matter before the board of trustees for correction. Said board, after hearing the proof, shall change and correct such valuation if it proves to be unreasonable. And likewise, if the assessment of any property in said district listed for taxation shall be valued by the assessors too low, said board of trustees, upon their own motion, shall cite the owner or his agent before them by written notice, and change or correct the assessment or valuation made by the assessor. Time of assessment.

§ 19. No books, tracts, papers, catechisms, or any publications of an infidel or denominational character, shall be used or distributed in the said graded Character of books, tracts, papers, etc., to be used.

city schools; nor shall any sectarian or infidel doctrines be taught therein.

Redemption of bonds. § 20. The bonds hereinbefore mentioned shall, at the option of the board of trustees, be redeemed and canceled at any time after five years from their issual, by paying to the holders thereof the principal and accrued interest thereon. Said bonds, when issued, shall be a lien upon all the property within the graded city school district of Carlisle, Kentucky, and shall be exempt from taxation, except for State purposes. Said bonds and interest coupons shall be payable at the treasurer's office for said school district.

Diplomas. § 21. The board of trustees of the graded city school of Carlisle, Kentucky, are authorized to confer general and special diplomas upon its graduates.

§ 22. That an act, entitled "An act to organize and establish a system of public graded schools in Carlisle, Nicholas county," approved April 15, 1880, be, and the same is hereby, repealed.

§ 23. This act shall take effect and be in force from and after its passage.

Approved March 2, 1888.

CHAPTER 386.

AN ACT concerning the marshal of the Louisville chancery court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for every lot or parcel of property offered or cried for sale by the marshal of the Louisville chancery court, under any order or judgment of court, he shall receive five per cent. on the first three hundred dollars, and one per cent. on all sums over that amount, and he shall receive his fees and costs, including the advertisement and care of property in his custody and keeping, and for other services he shall receive the same fees as are allowed to sheriffs

for similar services, all of which shall be taxed as other costs in the case: *Provided*, The sale is not set aside on account of some act or omission of the marshal: *Provided*, That his compensation for one sale shall not exceed one thousand dollars.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall be in force from its passage.

[Became a law without approval of Governor March 8, 1888.]

CHAPTER 387.

AN ACT to provide for the payment of the public school building in the town of Warsaw.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mortgage and notes executed by the board of trustees of common school district No. 1, in Gallatin county, to secure the sum of three thousand five hundred dollars borrowed to complete and furnish a common school building in Warsaw, Kentucky, be, and are hereby, made legal, binding and enforceable; and that in lieu of the tax voted by the people of said district for the erection of said building, etc., the board of trustees of said district shall levy an annual tax of not exceeding twenty-five cents on each one hundred dollars' worth of taxable property owned by white people, and a poll-tax of one dollar on each white male resident of said district over the age of twenty-one years, until funds sufficient are raised to pay off the mortgage so executed by said board of trustees on said building, and all interest thereon.

§ 2. That the list of property and tithes to be so taxed shall be ascertained and taken from the assessor's books of Gallatin county, and shall include all the property and tithes of white persons situated,

Legalizing mortgage and notes.

List of property and tithes.

owned or claimed in said district, from year to year, until said debt is liquidated.

§ 3. That the board of trustees in said district shall appoint a collector to collect said taxes, who shall have the same power to collect by distraint as is now given to sheriffs in the collection of the State revenue; and may allow said collector as compensation for his services a commission not exceeding eight per cent. And he shall give bond with approved security for the faithful performance of his duties, and shall make settlement with the board of trustees. The law prescribing the duties of sheriffs in the collection of the State revenue shall apply and govern said collector in the discharge of his duties.

§ 4. This act shall take effect from and after its passage, and continue in force until said debt is paid.

Approved March 8, 1888.

CHAPTER 388.

AN ACT to incorporate the Somerset and Pitman Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation.

§ 1. That there is hereby created a body-politic and corporate, under the name and style of the "Somerset and Pitman Creek Turnpike Road Company," which shall have power to build a turnpike road from the eastern limits of the city of Somerset, Kentucky, to a point east of Pitman creek, near the residence of M. H. Botkins, and construct all bridges and other structures necessary on said road. Said corporation shall have power to contract and be contracted with, sue and be sued, implead and be impleaded, answer and defend, in all the courts of this Commonwealth. The may adopt and use a common seal, and alter same at pleasure.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each; but the directors are hereby empowered to increase said capital stock, if necessary, to complete the construction of said road, bridges, etc., but shall not increase said stock to a greater amount than is necessary for the purpose of constructing said road, bridges, etc., and the erection of toll-houses and gates and other necessary buildings, and for a sufficient amount to pay for land over which same is to run. and the land upon which to erect toll-houses, and other necessary buildings and appliances.

§ 3. The following citizens shall constitute the incorporators and commissioners to solicit stock, viz.: W. H. Botkins, Mathew Warren, Geo. W. Wait, James Denton, John H. Thurman and James Sears, who may open books and receive subscriptions to the capital stock of said company, and when two thousand dollars of the capital stock is subscribed, a meeting shall be called of stockholders, who shall elect five directors, out of whom shall be chosen president; notice of the time and place of said meeting to be given by posting up notices at all the public places on the line of said proposed route for ten days previous to the day of election.

§ 4. The directors shall have power to fix the date of each annual election after the first election herein provided for. No stockholder shall be eligible to the office of president or director unless he shall be the owner of at least five shares of stock in said corporation.

§ 5. The subscriptions to capital stock shall be paid at such times and places as the board of directors may require: *Provided*, That no call shall be for them twenty per cent. of each share at any one time, and after the first call at least ten days' notice of each call shall be given.

§ 6. The board of directors may appoint such officers as they may deem necessary to conduct the busi-

ness of the company, and may make such by-laws in relation to the business of the corporation as they may deem necessary for their government, which do not conflict with the laws of the State of Kentucky or of the United States ; and may take and hold, by purchase or gift, all such lands, tenements and hereditaments, real and personal property, as may be necessary in the prosecution of their work or to further the objects for which said corporation is created.

Rights of way. § 7. That for the purpose of constructing said road, the directors may receive grants of rights of way and material for the construction of said road ; and in the event they can not agree with the owners of the land, they may proceed to have same condemned as is provided by law. For the purpose of locating said road, the president and directors may enter with their surveyors, chain-carriers and engineer, upon the land and inclosures and roads through which the intended road passes, to examine and survey a route suitable for said purpose.

Grade and width. § 8. The president and directors shall have power to fix the grade, locate, build and establish the width of said road, the width to be covered by stone or gravel, and the depth of same. They shall begin the building of said road at the eastern end or extremity of Mt. Vernon Avenue, at the eastern limits of the city of Somerset, and may build to the point east of Pitman, as mentioned in section 1 ; and they may also extend said road from any point along the line to any coal bank which shall be not more than two miles from said road.

Dividends. § 9. The directors shall have power to declare dividends and provide for the sale of shares created at any time when said stock shall be increased.

Toll-gates. § 10. Said company shall have the right to erect a toll-gate as soon as it has completed two miles of consecutive road ; and upon the completion of the road, may erect one gate for each five miles of road, or, if they have more than five and less than ten miles of

road, they may erect two toll-gates; but the rates shall be, pro rata, not greater than is now provided by the General Statutes of Kentucky.

§ 11. Said company shall have the right to take Bonds of officers. bonds from all its officers who are required to collect or have the custody of any money or other property of said corporation.

§ 12. The private property of the stockholders shall not be liable for the debts of the corporation.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 8, 1888.

CHAPTER 389.

AN ACT to incorporate the Newport Mutual Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Huser, S. R. Hawthorne, C. J. Incorporation and names of incorporators. Helm, Samuel Bigstaff, and their associates, successors and assigns, be, and they are hereby, incorporated under the name and style of the "Newport Mutual Savings Bank," and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, and do and perform all acts that natural persons may lawfully do, and may have, use and alter at pleasure a corporate seal.

§ 2. That said corporation may engage in the business of banking at the city of Newport, in Campbell Objects of incorporation. county. That the capital stock of said corporation shall be ten thousand dollars, divided into shares of fifty dollars each, transferable only on the books of the company. That said bank may receive deposits of money from any and all persons, and may at its option, pay said depositors an agreed rate of interest on all deposits, or may pay said depositors an agreed

rate of interest on said deposits, and a share in the profits which it may make after paying the amount hereinafter provided for, to the surplus fund and six per cent. on the capital stock; said bank may prescribe the length of time said deposits must remain with it before being entitled to such profits, and shall have the right to terminate such contract by notice mailed to the depositor at his post-office address, at the expiration of thirty days from the mailing of the notice. Said bank may require from all depositors thirty days' notice before being required to pay depositors their deposits or any part thereof. Said bank shall have authority to buy and sell stocks, bonds, bills, notes, drafts, judgments and all manner of obligations for the payment of money, and may loan money and discount paper and all notes made negotiable and payable to said bank or any other incorporated bank, and bills and drafts discounted by it or acquired by it without reference to where payable, shall, in its hands, be placed on the footing of foreign bills of exchange. Said bank shall at all times keep on hand in cash, or invested in call loans, a sum equal to twenty-five per cent. of the amount of its deposits.

Board of directors.
§ 3. Said bank shall be managed by a board of five directors, to be chosen from among the stockholders by the stockholders and depositors, who shall be entitled to share in the profits, in person or by proxy, each stockholder to have one vote for every share of stock he owns, and each depositor one vote for every fifty dollars of deposits in which he is entitled to a share of the profits. Said board shall be elected annually on the first Monday in March in each year, and shall serve until their successors are elected. Said board may appoint or employ such officers and agents as they deem necessary to transact the business of the bank.

Earnings.
§ 4. Said board shall, on the first Monday in March and the first Monday in September, each year, ascertain the earnings of the bank for the past six months,

and shall, if there be any earnings after paying all expenses and losses of the bank in which losses shall be counted, all debts due and unpaid to the bank for a period of six months which are not in process of collection by law, set apart twenty-five per cent. of said net earnings as a surplus fund. They shall then set apart a sum equal to six per cent. of the capital stock, which shall be paid to the stockholders, and the balance remaining after said two sums are deducted shall be declared a dividend on the stock, and each fifty dollars of deposits entitled to share therein by the terms of the deposit.

§ 5. The capital stock shall be paid in as the directors shall determine, and as soon as the whole stock shall be subscribed and paid up, said bank may commence business. The incorporators may open books for subscription of stock at such time and place in the city of Newport as they may deem proper. The private property of stockholders shall be exempt from liability for corporate debts.

§ 6. This act shall take effect from and after its passage, and may continue in force for thirty years.

Approved March 8, 1888.

CHAPTER 391.

AN ACT to prohibit the sale of spirituous, vinous and malt liquors or mixture thereof in the city of Columbus, Hickman county, or within three miles of the limit thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell, directly or indirectly, any spirituous, vinous, or malt liquors, or a mixture of either, in the city of Columbus or within three miles of the limits thereof.

§ 2. Any person violating the first section of this act shall, upon conviction, be fined not less than fifty

nor more than one hundred dollars for each offense, recoverable by warrant before a justice of the peace or indictment by a grand jury, and each sale shall be deemed a separate offense.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 3, 1888.]

CHAPTER 392.

AN ACT for the benefit of William Lipe, of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Lipe, of Casey county, Kentucky, a mail contractor, carrying the United States mail from Yosemite to Liberty, in Casey county, be, and he is hereby, authorized to put a bell upon his team or teams whilst he carries said mail.

§ 2. This act to be in force from its passage.

[Became a law without the approval of the Governor March 3, 1888.]

CHAPTER 393.

AN ACT for the benefit of John W. Combs, late sheriff of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said John W. Combs be allowed the further time of six months after the passage of this act to report his delinquent poll-tax list of Perry county for the year 1886 to the county court of Perry county, which, if found correct and approved by said county court, it shall be of the same validity as if reported within the time required by law, and said Perry county shall reimburse said John W. Combs the sum due him on said poll-tax list.

§ 2. This act shall take effect from its passage.

[Became a law without the approval of the Governor March 3, 1888.]

CHAPTER 394.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose of redeeming the bonds of the city of Covington, which will mature April 1, 1890, issued in construction of water-works in said city, the city council of said city is hereby authorized and empowered to issue and sell, in the name of, and under the corporate seal of, the city of Covington, so many bonds of said city as may be necessary for such purpose, not exceeding in amount, however, the sum of (\$225,000) two hundred and twenty-five thousand dollars, redeemable in not more than forty years from the date of said bonds, in such denominations as the city council may prescribe ; but no one of said bonds shall be of a less denomination than one hundred dollars, although part of said bonds may be of one denomination and part of another ; and said bonds shall bear interest at a rate to be fixed by the city council, not exceeding, however, five per centum per annum, payable semi-annually. The said bonds shall have interest warrants or coupons thereto attached ; shall be payable, with their coupons, at such place as the said city council may designate ; shall be, and remain, exempt from city taxation ; shall be dated either January 1 or July 1 of the year in which they are issued, according as they may be issued after the first of January or after the first of July in said year ; they shall not be sold for less than their par value, with any accrued interest thereon ; and the interest on said bonds shall be paid out of the tax required to be levied to pay interest on the bonded debt of the city. The said bonds shall be signed by the mayor of said city and the president of the city council, and attested by the city treasurer, which latter officer shall keep a register thereof ; and the coupons to

Authorizing sale of bonds. —

said bonds shall have the name and official designation of the city treasurer engraved or lithographed thereon. The city council shall have power to invite proposals for said bonds at such time as will best enable it to carry out the purpose for which their issue is authorized, and to dispose of and sell the same to the highest and best bidder or bidders: *Provided, however,* That not less than fifteen days' notice of the sale of said bonds shall be given by the said council, in not less than two newspapers in general circulation in the cities of Covington, Kentucky, and Cincinnati, Ohio, and in one newspaper printed and circulated in Covington, which notice shall be by means of three insertions in each of said newspapers. The said bonds shall not be signed or attested until the sale thereof; and in case they should be engraved or lithographed before a sale thereof is made, they shall be placed in a designated depository of the city, where they shall remain until they are sold, when they shall be signed, attested and delivered by the said mayor, president of the council and city treasurer, to the purchaser or purchasers thereof. The proceeds of sale of said bonds shall, in like manner, be deposited in a depository to be designated by the city council, to be applied and used in the purchase of the bonds of said city maturing April 1st, 1890; and if there be any balance of the proceeds of said sale remaining after the redemption of said mentioned bonds, it shall be carried to the sinking fund of said city, and applied to purchase or redeem other bonds of said city. The just and full payment of the bonds herein provided for is secured by the pledge of the faith and credit of said city.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1888.

CHAPTER 396.

AN ACT to incorporate the Clifton and Reservoir Park Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Dresher, John Colter, S. S. Hite, ^{Incorporators.} Joseph Huffaker and John G. Doyle, or those of them who shall act, their associates, successors or assigns, be, and they are hereby, created a body-corporate, with perpetual succession, under the name and style of the Clifton and Reservoir Park Railroad Company, and in such name to have full power to contract and be contracted with, sue and be sued, construct, maintain, operate and manage a street railroad by horse power or cable line, but no freight railroad cars shall be drawn over the said line ; they may purchase, hold and dispose of such real estate as the directors thereof may deem necessary or advisable.

§ 2. Said company shall have a capital stock of ^{Capital stock.} not less than fifty thousand dollars, which may be increased at any time by the stockholders to any amount found necessary, divided into shares of fifty dollars each. Business may begin when one have the capital stock is subscribed for.

§ 3. The business of said corporation shall be the ^{Business.} construction, operation and management of a railroad from a point within the city of Louisville to the extreme south-eastern limits of the reservoir of the Louisville water company, to be drawn or operated by horse or mule power, or a cable line ; said railroad ^{Route.} to begin at the intersection of Second or First street and Washington street, in Louisville ; thence eastwardly upon and over Washington street, and all intersections of streets crossing Washington street, to Buchanan street ; thence over Buchanan street to Story avenue ; thence over said Story avenue to the street just east or north-east of Buchanan street,

called Bickel avenue; thence over said last-named avenue to East Main street; thence north-eastwardly, over said East Main street and over Bear-grass bridge, to the street or alley just westwardly or south-westwardly of where Stone street will be when opened or dedicated; thence over said street or alley to Reservoir avenue; thence up said Reservoir avenue to Brownsboro avenue or pike; thence over or along either side of Brownsboro avenue to the city limits of Louisville; thence along either side of Brownsboro turnpike to the extreme south-eastern line of the grounds, now or hereafter used or owned by the Louisville water company for a reservoir; thence along either side of the road, sometimes called Pike avenue or pike leading from the reservoir of the Louisville water company, which reservoir is situated between the Louisville and Shelbyville pike and the Brownsboro pike, to the tract of land on which engines, tower and pumping machinery of the Louisville water-works are built and now operated; and from said last-named road or pike or avenue over or on either side of the road leading to water-works or Reservoir avenue, being a road-way or avenue leading along the north-eastwardly and north-westwardly, or northwardly and north-westwardly side of the basin formerly used by the water company for a reservoir, and over or on either or both sides of said avenue or road last-named to Reservoir avenue and Brownsboro avenue, and there connect with the line or road-bed or track hereinbefore described as passing from said Reservoir avenue upon or over Brownsboro avenue to the city limits; and the right is hereby given to the Clifton and Reservoir Park Railroad Company to lay, operate and maintain a railroad, single or double railroad track, on all the streets or avenues herein mentioned and described, within the corporate limits of the city of Louisville and Jefferson county, and the right of way necessary to lay and maintain and operate a double

Build and operate road.

track is hereby given the said Clifton and Reservoir Park Railroad Company, on the westwardly and south-westwardly side of the Brownsboro turnpike, over the ground from the westwardly side of State avenue to the eastwardly side of Haldeman avenue, to be exercised, however, under a proceeding of *ad quod damnum*; and the right to lay and operate a single or double track over the entire route as herein described is given said Clifton and Reservoir Park Railroad Company, its successors and assigns; and said Clifton and Reservoir Park Railroad Company shall have the right to lay and operate such double or single tracks over such lands, streets, roads and highways as is herein mentioned; and should the said company find it necessary to change its line within the corporate limits of said city of Louisville, it shall have the right to do so by the consent of the general council; and if the right of way and necessary changes of grade cannot be obtained by agreement with individuals, companies or corporations owning or controlling said land, streets, roads and highways outside of the corporate limits of the city of Louisville, full and complete power to make such agreements being hereby granted, the said corporation, its successors and assigns, may proceed under a writ of *ad quod damnum* to condemn the same according to law, and of such proceedings to be found necessary to be had under, upon, or by virtue of said writ of *ad quod damnum*, the Jefferson court of common pleas, the Jefferson county court, the Jefferson circuit court, the Louisville chancery court or the Louisville law and equity court, shall each have jurisdiction and proceedings upon, under or by virtue of said writ of *ad quod damnum* may be instituted by this corporation in any one of said courts.

§ 4. Said corporation shall have the power to purchase, hold, lease, mortgage, sell, exchange and convey real estate and improve the same at pleasure, and may borrow money and execute the notes or bonds of

the company, and sell or dispose of the same when deemed advisable for the use and benefit of the company; and to secure the payment thereof, any indebtedness of the company, it may mortgage or pledge the whole or any part of the property, income or franchises of the company. But the company shall not have the right to buy and sell or hold land further than that which may be found necessary to successfully operate the road.

§ 5. Authority is hereby given to the company to cross the tracks of any other company, or any road or turnpike, and to connect with and use said crossings when found necessary by its directors, for the construction and operation of the road authorized by this act, by paying a fair and just compensation for such use; and in the event a mutual agreement can not be effected with such other company for such use, the same may be condemned according to law.

§ 6. The board of directors shall consist of not less than five and not more than nine, as shall be determined from time to time by the by-laws that may be adopted by the board of directors, which shall also prescribe the time, manner, and place of election of directors. Each share of stock shall entitle the holder to one vote, either in person or by proxy, in writing; and the persons having the highest number of votes shall be declared the said board of directors. The directors shall be elected at an annual meeting of the stockholders; and such election of directors shall not be for a longer time than one year; but they shall hold their office as directors until their successors are elected and qualified.

§ 7. The corporators named in the first section of this act, their successors or assigns, shall organize said company, and shall constitute the first board of directors. The board of directors shall elect one of the stockholders of said corporation president, and such other officers as may be deemed necessary or advisable, and for such time as may be necessary.

Said board of directors may fill all vacancies among its officers or agents or board of directors, and may elect such agents and employes as may be desired, and prescribe their duties and fix their compensation, and require of any of its officers or agents such bond for the faithful performance of his or their duty as may be prescribed by the by-laws adopted by the directors. Said board of directors may make all necessary by-laws and rules for the management of the company; may dispose of stock from time to time, and re-issue such as may be acquired in the course of its business, whether taken for debt or otherwise; and may do any and all acts which may be proper or convenient for carrying into effect the powers herein granted; and may erect and maintain such machinery as may be deemed necessary to operate a single or double line of cars over its railroad by horse, cable, or electric power.

§ 8. The company shall have the right to charge Rates of toll. reasonable rates of fare for passengers, which shall be fixed from time to time by the board of directors; and if any passenger shall fail or refuse to pay the fare when demanded, such passenger may be ejected from the car; but the said company shall not have the right to charge more than five cents from the beginning of the said road, on Second and Washington streets, to the city limits, and not more than five cents from the city limits to the end of the road, for each passenger.

§ 9. The president shall be the chief officer of the President. company, and shall perform such duties and possess such power and receive such compensation as the board of directors may prescribe.

§ 10. The private property of the stockholders of Private property not liable for corporate debts. said company shall be exempt from corporate debts.

§ 11. Nothing in this act shall be construed as al- Authority not granted. lowing the said corporation to construct, maintain, or operate any track or tracks, or running any cars over any of the streets, alleys, highways, or public places of

the city of Louisville, except upon the consent of the general council of said city, by ordinance previously obtained thereto; nor shall said company take or use any property, real or personal, within the boundary of the city, of any individual or corporation, without the consent of such individual or corporation; and in case its consent can not be obtained, they shall then proceed to condemn such property or right of way as prescribed by law.

Time to com-
plete.

§ 12. The said road shall be built and completed within five years from the passage of this act; and so much of the right of way as shall not be used and completed at the expiration of five years shall be forfeited by the said company.

§ 13. This act shall take effect from and after its passage.

Approved March 6, 1888.

CHAPTER 397.

AN ACT to amend, revise and reduce into one all acts in relation to the town of Horse Cave, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the boundary of the town of Horse Cave, in Hart county, be, and is hereby, fixed with the following limits, viz: One mile square, to be so laid off as to make the railroad depot the center, the lines thereof running due north and south and east and west, and the location of the streets, alleys and roads thereof shall be the same as now therein established, except as hereafter changed by the board of trustees under the authority of this act.

Trustees.

§ 2. The municipal government of the town shall consist of a board of trustees, one of whom shall be selected by the board to preside over their meetings, who shall be styled "Chairman of the Board of Trustees of Horse Cave."

§ 3. Said trustees and their successors in office shall Corporation. be a body-politic and corporate, under the name and style of the "Trustees of Horse Cave," and by that name they may, for and on behalf of said town, contract and be contracted with, sue and be sued, have a corporate seal, and do any and all other things which a body-politic and corporate may lawfully do within the limits of the powers herein granted.

§ 4. The other officers of said town shall be a police Officers. judge, marshal, attorney, clerk, treasurer, assessor, collector, and such other officers as the said trustees may from time to time direct and appoint.

§ 5. An election shall be held in said town on the Election. first Monday in June, 1888, and every two years thereafter, at such place as may be fixed by the board of trustees, of which ten days' notice shall be given by written or printed notices posted in at least five public places in said town by the town clerk.

§ 6. At each biennial election there shall be elected, Trustees, judge and marshal to be elected. by the qualified voters of the town, five trustees, a police judge, and a marshal for the town, and the person receiving the highest number of votes for any of said offices shall be declared elected. They shall hold their respective offices for the term of two years, and until their several successors are elected and qualified. The other officers enumerated in section four of this act shall be chosen by, and hold their respective offices at the pleasure of, the board of trustees.

§ 7. No person shall be eligible to any office in said Eligibility for office. town who is not a citizen thereof, and a qualified voter under the laws of the Commonwealth; and no one shall be eligible to the office of police judge, trustee or marshal, who has not, at the time of his election, resided in the town at least sixty days next preceding his election to such office.

§ 8. Every person elected or appointed to office under the provisions of this act shall, before entering upon his duties as such officer, take and subscribe, before some authorized officer, the oath prescribed

by the Constitution of this Commonwealth; and in addition, in substance, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, without fear or favor or affection, perform the duties of ——— of the town of Horse Cave according to law," and file same, duly certified by the officer before whom it was taken, with the clerk of said town.

Vacancies.

§ 9. Whenever a vacancy shall occur in any office which this act requires to be filled by election, it shall be the duty of the trustees of said town to order an election for the purpose of filling such vacancy, of which notice shall be given by the clerk, as provided in the fifth section of this act.

Officers of elections.

§ 10. The trustees shall, before each regular or special election, appoint two judges and a clerk to hold the same; but no person who is a candidate for any office to be filled by such election shall be appointed or act as an officer thereof. The compensation of said officers shall be fixed by the trustees, and their liabilities shall be the same as those of officers of State elections under the laws of the Commonwealth.

Hours of election.
Penalties for illegal voting.

§ 11. The elections herein provided for shall be held between the hours of eight o'clock in the forenoon and five o'clock in the afternoon; and all laws in force in this Commonwealth for punishing illegal voting at other elections shall apply to illegal voting at the town elections in Horse Cave, subject to this act as to the qualification of voters.

Qualification of voters.

§ 12. All qualified voters under the laws of this Commonwealth who shall, at the time of offering to vote, have resided in the town sixty days previous thereto, shall be entitled to vote at any election held in said town.

Trustees judge of qualifications and election of its members.

§ 13. The board of trustees shall judge of the qualifications and election of its members; and cases of contested elections for any officer of the town shall be heard and determined by the board of trustees

under such rules and regulations as they may, by ordinance, prescribe.

§ 14. The town clerk who shall be in office at the time of holding election shall certify to the Secretary of State the name of the person elected to the office of police judge, and the Governor of the Commonwealth shall issue a commission to such person. Clerk to certify election of police judge.

§ 15. The poll books of all elections held in said town shall be returned by the clerk of the election to the clerk of the town, who shall preserve same as a part of the records of said town, examine and compare them, and issue certificates of election to the persons elected, which certificates shall be approved by the board of trustees and spread upon their records before same shall be delivered to such persons. Poll-books.

§ 16. The clerk shall keep the corporate seal, if there be one, and keep a complete record of the proceedings of the board of trustees, whose meetings it shall be his duty to attend; and transcripts from the records of such proceedings, certified by him, shall be evidence in all courts of this Commonwealth. He shall draw all warrants directed by the board of trustees and countersign the same, and keep an accurate copy in a book to be provided for the purpose. He shall issue such licenses as may be granted by the trustees, and perform all other duties which the trustees may lawfully direct. Clerk to keep seal and records.

§ 17. The treasurer shall receive all money belonging to the town, and keep an accurate account of receipts and expenses. He shall pay out money only on the order of the trustees, and the warrant for such payment shall be signed by the chairman of the trustees and countersigned by the clerk, and it shall specify the purpose for which the amount named therein is paid. The treasurer shall exhibit to the board of trustees at least once in each year, and oftener if required, a detailed statement and account of all receipts and expenditures and the condition of Duties of treasurer.

the treasury. Such reports shall be spread upon the records of the board of trustees.

Duties of marshal.

§ 18. The marshal shall attend all sessions of the police court of Horse Cave, and give to the attorney for the town notice of any proceedings in said court which it is his duty to attend. He shall execute and make due return of all process directed to him by said court, or any other court of this Commonwealth. He shall have and possess, by virtue of his said office, all the powers of a constable of Hart county, and shall be entitled to receive the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner. For other services he shall receive such fees and compensation as the trustees may, by ordinance, prescribe. He shall be liable in the same cases, way and manner that constables and sheriffs are liable, and may be sued or proceeded against in the same manner. He may, in the discretion of the trustees, be appointed collector of said town.

Powers of marshal.

Collector of taxes.

§ 19. The collector shall collect all taxes and assessments which may be levied by the board of trustees, and for that purpose he shall have all the powers of a sheriff to make sales of real and personal estate. He shall pay over to the treasurer all taxes and other money which may come into his hands. When the tax-list is placed in his hands he shall proceed at once to collect the same, and to enforce the payment may levy on and sell property, after advertising same by written or printed notices, posted up in at least three public places in the town for not less than ten days. Within three months from the time he receives such list he shall make out and return to the board of trustees a report, showing the amount collected, the names of those who have paid and those who are delinquent; but he shall report no one delinquent, nor shall he be credited in his settlement with the trustees, by the list of any person who owns personal property in said town out of which the

Duties of collector.

taxes can be made. Upon the return of the collector's report, as above provided, the board of trustees shall, by order duly entered of record, direct warrants to be made out, signed by the chairman and countersigned by the clerk, directing the collector to levy upon and sell so much of the real property of the delinquent as may be necessary to pay the taxes due and the costs of sale. On receipt of such warrants the collector shall proceed to make levies as thereby commanded, and shall sell the property levied on at public auction, to the highest bidder, for cash, after advertising, as already herein provided, in the same manner as lands are sold under executions, except the land need not be valued; and said collector shall give to the purchaser of such real estate a certificate of the purchase, describing the property so sold in such manner as to identify same, together with the price paid for same by the said purchaser.

§ 20. And if no one will bid for and purchase said land at the price of the taxes due and the costs of sale, it shall be the duty of the collector to purchase the same for the town of Horse Cave, bidding therefor the taxes due and costs of sale. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the purchaser thereof by paying the purchase money, with interest at the rate of ten (10) per centum per annum thereon, and all costs and taxes accruing after the sale, if any, at any time within two years from day of sale.

§ 21. Any married woman, minor, or other person laboring under disability, shall have two years after such disability is removed in which to make such redemption; but the committee of a person of unsound mind shall be allowed only five years from the day of sale to redeem the same, though disability continue longer.

§ 22. The land sold may be redeemed as aforesaid by paying the money to the purchaser, his agent, or

the chairman of the board of trustees of the town. It shall be the duty of the collector to make a report in writing to the board of trustees, signed by him, within twenty days after such sale, showing when same was made, and to whom, and for what price, and giving description of same as fully as he is able to do; which said report shall be recorded and indexed by the town clerk in a book to be provided by the trustees and kept for that purpose by said clerk.

§ 23. If the collector fail to make the return of sale as aforesaid, the purchaser may file the certificate of said sale with the chairman of the board of trustees, which said chairman shall cause to be recorded and indexed as aforesaid, and shall have the same force and effect as the collector's report would have had if returned. If the land shall be redeemed, the purchaser or chairman shall enter on the margin of the book, opposite the report or certificate of purchaser, a release of the claim. Copies of the record aforesaid, certified by the chairman of the board of trustees, shall be evidence of the facts stated in them in all the courts of this Commonwealth.

§ 24. If the land sold is not redeemed within the time prescribed as above, it shall be the duty of the collector or his successor in office, upon demand, to convey the same to the purchaser, his heirs or assigns, by deed of special warranty, which deed shall be examined and approved and indorsed by the chairman of the board of trustees of said town or his successor in office, and shall pass to the grantee therein all the right, title and interest owned in the land at the time of the assessment by the person against whom the taxes were assessed and for which it was sold. The deed shall be acknowledged by the collector before the county clerk, and recorded in his office in the same manner required by law as to other deeds conveying real estate. The fees of said collector for making said levy, sale, return and conveyance by deed, shall be the same as that

now allowed by law to sheriffs for similar services under the State law, all of which shall be paid by the purchaser or person redeeming the land. Such lands as may have been bought in by the collector for the town, if not redeemed within the time above prescribed, shall be conveyed by the collector in the same manner as above prescribed to the town of Horse Cave; and said conveyance shall have the same effect as is above prescribed as to deeds to other purchasers.

§ 25. For the purpose of collecting taxes due said town by attachment, the collector shall have all the powers conferred upon sheriffs by the provisions of sections 1 to 6, inclusive, of article 10, chapter 1233, volume 1, Session Acts of 1885-6, and all notices and proceedings therein required shall be returned and had before the police court instead of the county court.

§ 26. The attorney for the town shall prosecute offenders against the by-laws and ordinances of the town, and give written opinions upon all subjects that may be submitted to him by the board of trustees or its committees.

§ 27. The assessor shall perform all the duties which Assessor. the trustees may, by ordinance, prescribe in relation to the assessment of property for the purpose of imposing or levying taxes.

§ 28. The trustees may, by ordinance, at any time, require the performance of other duties, and fix the compensation of all officers whose duties are prescribed by this act; and they may prescribe the duties and fix the compensation and provide for payment of all officers elected or appointed under this act, whose duties and compensation are not herein specifically mentioned.

§ 29. The police judge, treasurer, marshal and collector, and such other officers as the board of trustees Officers to take oaths and give bonds. may designate, shall severally, before they enter upon the duties of their respective offices, execute bonds to the trustees of Horse Cave, conditioned that they will

faithfully execute the duties of their respective offices, and pay over to such persons, at such times as they may be entitled to receive the same, all money that may come into their hands as such officers. The bonds so executed shall be spread upon the records of the board of trustees, and the originals carefully preserved by the clerk. The trustees of said town, or any person injured by the breach of such bonds, or any of them, may, in any court having jurisdiction, prosecute suit or motion thereon against the officer by whose breach of duty such injury is occasioned, and his sureties, and any or all of them, and the personal representatives, heirs or devisees of any or all of them, as provided by law concerning sheriffs, constables or other like officers.

Penalties for failure to perform duties.

§ 30. Any person who, having been an officer of said town, shall not, within ten days after notice to him and request, deliver to his successor in office all the property, papers and effects of every description in his possession pertaining to the office so held, shall forfeit and pay for the use of the town the sum of one hundred dollars, besides all costs and damages caused by his failure or refusal to do so, to be recovered by suit or motion upon his official bond.

Police court established.

§ 31. There is hereby established in said town a court, to be styled the "Horse Cave Police Court." Said court shall be held by one judge, who shall be styled the judge of the Horse Cave police court, and who shall be elected and qualified as prescribed by this act. Said court shall have exclusive jurisdiction of all prosecutions for the violations of the by-laws or ordinances of said town, and concurrent jurisdiction with other courts of Hart county of misdemeanors committed in said county, the punishment for which does not exceed a fine of one hundred dollars and imprisonment not exceeding fifty days. Said court shall have power to issue warrants and other process in the name of the Commonwealth; to compel the attendance of witnesses; to take bonds and recognizances from

persons charged with offenses cognizable before it to appear and answer the same, and the same power to declare said bonds and recognizances forfeited; to pronounce judgment thereon, and enforce full compliance therewith, that circuit courts have. It shall have power to enter judgment and record, and to issue writs for the purpose of enforcing its orders and judgments, to the same extent and in the same manner as other courts of this Commonwealth of like jurisdiction. The police judge shall be a conservator of the peace, and shall have power to take recognizances to keep the peace; to try all proceedings for violations of the by-laws or ordinances of said town without the intervention of a jury, and to do all other acts necessary and proper to carry into full and complete effect the powers and jurisdiction conferred on said court.

§ 32. The police court shall be held at such place in said town as the trustees may designate, or they failing to designate and provide a suitable place, at such place as the judge may select. It shall be open at all times for the trial of criminal and penal cases within its jurisdiction. It shall be a court of record, and the judge shall act as clerk thereof; and copies of its records certified by him shall be evidence in any court of this Commonwealth.

§ 33. Said court shall not have power to empanel a Grand jury. grand jury, nor shall any indictment be necessary to the full exercise of the jurisdiction hereby conferred on it. It may punish contempt by fine not exceeding five dollars, and by imprisonment for not more than six hours.

§ 34. The jurisdiction of the police judge in holding Powers of police judge. examining trials shall be such as are prescribed by the laws of this Commonwealth for justices of the peace; and when the judge of said court shall be absent, sick, or otherwise incapable of performing his official duties, it shall be lawful for the chairman of

the board of trustees to act in his stead during such sickness, absence, or disability.

Process in name
of common-
wealth.

§ 35. All process from said police court shall be in the name of the Commonwealth of Kentucky, and may be directed to and executed by any officer authorized by law to execute such process.

Fines and for-
feitures.

§ 36. All fines and forfeitures recovered in said court for offenses committed within the town limits of said town are hereby granted to the town of Horse Cave, and shall be paid by the officers collecting the same to the treasurer of said town. Before the issual of execution or other final process, or a judgment in said court for a fine or forfeiture, the defendant may pay the same to the judge of the police court. The defendant may also, before or after issual of execution or *capias pro fine*, replevy for three months any judgment of the police court in the same manner as is allowed by law in similar cases within the jurisdiction of other courts. Upon all judgments for fines rendered by said court, and which shall not be paid or replevied at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may issue, requiring the imprisonment of the defendant in the town or county jail until the same shall be paid or replevied; but the imprisonment shall not exceed one day for each dollar of the fine. But said court may, in its discretion, assign a person so fined to hard labor for the benefit of the town until he shall pay the fine and costs adjudged against him, at the rate of one dollar per day. No such person shall be required to labor more than eight hours per day, and while at labor shall be under control of the town marshal, who shall be responsible upon his official bond for the balance of the fine remaining unpaid, if such person is permitted to escape by the negligence of such officer. When not at labor, such person may be imprisoned in the town or county jail; and for the purpose of putting him in or taking him from prison, a certified copy of the judgment shall

be sufficient authority to the marshal or jailer. Persons sentenced to imprisonment by said court may be assigned to labor in like manner as those fined.

§ 37. A return of not found upon a *capias pro fine*, or of no property found upon a writ of *fiere facias*, issued on any judgment for a fine imposed by the police court, shall authorize an equitable proceeding in favor of the trustees of Horse Cave against the estate of the defendant for the purpose of enforcing satisfaction of such judgment as a return of no property found authorizes such proceeding in civil cases.

§ 38. The police court shall have jurisdiction of civil cases for the recovery of money or personal property where the amount in controversy does not exceed two hundred dollars. When the amount in controversy, exclusive of interests and costs, exceeds fifty dollars, the pleadings in said court shall be regulated by the provisions of the Civil Code of Practice applicable to circuit courts; otherwise the pleading shall be oral. The judge of said court shall have power to grant attachments, restraining orders, injunctions, orders of delivery, writs of *habeas corpus*, distress warrants, and writs of forcible entry and detainer, under the same circumstances, rules and regulations, as justices of the peace or judges of other courts with like jurisdiction and powers. Quarterly terms of said court shall be held for the trial of civil cases at such times as the trustees may direct by an order entered of record. The trustees shall provide the judge of said court with an order book, execution book and docket; and it shall be his duty to keep a record of all the proceedings in his court in the same manner and to the same extent as is required by law of judges of quarterly courts. He shall also carefully preserve all papers and records pertaining to his office, and deliver them to his successor in office.

Jurisdiction of
police court.

§ 39. Appeals shall be from the decisions and judgments of said court, in criminal or penal cases, to the Hart circuit court, when the fine is ten dollars or more,

Appeals.

or the imprisonment is for a period of five days or more, and in civil cases when the amount in controversy, exclusive of interests and costs, shall exceed ten dollars. The manner of taking appeals, and all proceedings thereon, except as herein otherwise indicated, shall conform to the provisions of the Civil and Criminal Codes of Practice of this Commonwealth.

Fees of police
judge.

§ 40. The fees of the police judge shall be the same in all cases as are now, or may be hereafter, given by law to other officers performing like services, subject to the same regulations as to taxation and collection.

Levy of taxes.

§ 41. The trustees of said town shall have power and authority to annually levy and collect taxes of not more than fifty cents on each one hundred dollars' worth of property in said town. Said trustees may levy a head or poll-tax also, of not more than two dollars, on every male inhabitant of said town over the age of twenty-one years. There shall be exempt from taxation in said town the property exempted by the general laws of the Commonwealth, or any special law, and no more.

Lien for taxes.

§ 42. All taxes imposed by said trustees under this act shall be a lien upon the property, real and personal, of the person against whom the same is assessed, until the same are paid; and no sale or transfer of the property shall affect the lien therein until after the expiration of five years from the time such taxes became due.

Assessments.

§ 43. The trustees shall make such rules and regulations concerning the assessment of property as they may see proper; and also for revising and correcting the lists returned by the assessor.

Meetings.

§ 44. The board of trustees shall hold stated meetings at least once in every month, and the chairman, or, in his absence, the town clerk, may call other meetings by notice in writing to each of the members. A majority of the members elected shall constitute a quorum. In the absence of the chairman, any mem-

ber of the board may be selected to discharge his duties for the time.

§ 45. The board of trustees shall have power to make, ordain and publish all such ordinances, by-laws and regulations, not contrary to the Constitution of the United States, or the Constitution and laws of this Commonwealth, for the good government of the town, and to promote health, security, trade and commerce, as they may deem necessary or expedient. They may enforce the observance of all ordinances, by-laws and regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars fine and fifty days imprisonment. But said trustees shall not attach to any offense recognized by the statutes of this Commonwealth a penalty either greater or less than is provided by the general laws.

§ 46. The board of trustees shall have the management and control of the finance and of all the property, real and personal, belonging to said town; to provide for the erection, repair, maintenance and government of all public buildings for the town. They shall have the power, within the corporate limits of the town, to restrain and prohibit all descriptions of gaming and fraudulent devices; to license, tax, regulate or prohibit billiard tables, pool tables, pigeon-hole tables, nine or ten-pin alleys, or like alleys; to license, tax, regulate or prohibit all concerts, exhibitions, shows, circuses, theatrical performances, and all like exhibitions and amusements; to restrain or suppress disorderly houses, halls and houses of prostitution; to restrain, suppress and punish indecent language or conduct, and to punish vagrants and prostitutes; to restrain, regulate, or prohibit the running at large of horses, swine or other animals, and to impose fines and penalties on the owner of any such animal for a violation of any ordinance in relation thereto; to prohibit the running at large of dogs and other mischievous, vicious or diseased animals, and to authorize their destruction or removal when found at large

By-laws and ordinances.

Trustees to manage finances.

Issue or prohibit certain licenses.

contrary to ordinance, and to impose penalties on their owners for permitting them to be at large; to
Appoint police. appoint policemen or watchmen, and to prescribe their powers, duties and pay; to establish and maintain a jail or watch-house, hospital, work-house and market-house, and to make rules and regulations for the government and management thereof; to authorize the clerk to issue licenses, to direct the time and manner of issuing and registering the same, and the fees to be paid him therefor; but no license shall be granted for a longer period than one year, and the clerk's fee for issuing the same shall not exceed fifty
License peddlers, etc. cents. Said trustees may license, tax and regulate auctioneers, peddlers, teamsters, livery and sale stables, insurance agents, pawnbrokers, factories, and warehouses; they may declare what are nuisances, provide for the abatement thereof, and impose penalties for the creation and maintenance of the same; they may provide for the security of said town against fire by the purchase of fire engines or other apparatus, and the organization of one or more fire companies, appoint officers and make rules for the government of such companies, and do all other acts necessary to the maintenance of an effective fire department.

Streets and alleys.

§ 47. The board of trustees shall have power to prevent and remove any and all encroachments and obstructions into or upon any street, alley, sidewalk, lanes, avenues or public square, established by this charter or by ordinance; regulate, modify and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements and sewers, and to have and exercise complete control over same, and over all public squares or commons belonging to the town limits, and over all property, real or personal, belonging to the town; to declare and announce by proper ordinance all vacancies in office in said town, arising from any cause whatever, and fill the same by election or appointment of a suitable and eligible person, who

shall take the oaths of office heretofore prescribed, and when necessary, execute the proper bonds, and enter upon and discharge all the duties of his office until the expiration of the term for which he is appointed or elected; and when, at any election held under this act, two or more candidates shall have received an equal number of votes, the election shall be decided by lot in such manner as the trustees may direct, in the presence of the trustees and at least three other persons; to establish rules to enforce a faithful and honest discharge of the official functions of all officers of the town, and to prescribe the penalty for their non-observance; to remove from office any member of the board of trustees or judge of the police court for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them, or either of them, and to remove at pleasure any town officer, agent or servant elected by the board of trustees; but in cases of impeachment, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of the board of trustees.

§ 49. The board of trustees shall have power to Abate nuisances. prohibit the erection, and to cause the removal and destruction of any wooden buildings or other things, whereby great danger may ensue to valuable and permanent improvements in any part of the town, and to cause any chimney, flue, stove-pipe, or any building or part of a building or projecting wall, or other thing, to be changed, repaired or destroyed in order to remove any cause of danger or insecurity that, in their opinion, may exist, and to cause owners and occupiers of property fronting on streets and alleys, and having streets or alleys in the rear of their property, to keep the same clean and free from filth and rubbish.

May order im-
provements. § 50. The owners in front of or upon whose premises the board of trustees shall order any curbing or sidewalks to be constructed, repaired or relaid, shall construct, repair or relay such curbing or sidewalks at their own cost, in the manner, with the material, and within the time prescribed by the trustees. If not so done, the trustees may cause such work to be performed, and assess the expense thereof, which shall be a lien upon the premises, and may be collected by warrant and sale as in the case of taxes. Suits may also be brought and maintained by the trustees against the owners of such premises for the collection of such assessments and the enforcement of the lien.

Prevent sale of
liquors. § 51. The trustees shall have power to prohibit, suppress and prevent the sale of spirituous, vinous or malt liquors, or any mixture thereof, within the limits of said town, and to make by-laws and ordinances to prevent and prohibit fast or reckless riding and driving upon the streets of the town, and to regulate the speed of railroad trains running within the limits thereof.

Pest-house. § 52. The trustees may acquire and hold, either by purchase or donation, land, either within or without the limits of the town, for a cemetery, not exceeding twenty-five acres, and not exceeding one acre for a pest-house. They may make such rules and regulations for the government of same as they may deem proper, and shall have power to enforce the collection of any claims or demands against the person holding or using lots in said cemetery by proper proceedings in any court of competent jurisdiction.

§ 53. The board of trustees shall have power to grant the licenses for which provision is made by this act; but this act shall not be construed as excusing the persons obtaining such license from paying to the State any tax, and procuring from the county court or clerk any license required by law.

§ 54. Any ordinance, by-law or regulation enacted by the trustees shall, before it takes effect, be pub-

lished in printed form, and written or printed copies of such ordinance, by-law or regulation, shall, for at least five days, be posted up in not less than three public places in the town. The publication required by this section shall be made by the clerk of the town.

§ 55. This act shall not affect or invalidate any act heretofore done by the trustees or any of the officers of said town, nor divest any person of any right of property acquired or liability incurred prior to its passage.

§ 56. All other acts in relation to the town of Horse Cave are hereby repealed.

§ 57. This act shall take effect and be in force from and after its passage.

Approved March 6, 1888.

CHAPTER 398.

AN ACT to incorporate the Bishops of the Protestant Episcopal Church in the United States of America and of the Diocese of Kentucky a corporation sole.

WHEREAS, The Right Reverend Thomas Underwood Preamble. Dudley, Doctor in Divinity, Bishop of the Protestant Episcopal Church of the United States of America and of the Diocese of Kentucky, has accepted conveyances of property for the use and benefit of the parishes, missions, and other religious institutions under his care and jurisdiction as bishop as aforesaid, and of the Diocese of Kentucky; and whereas, he and his successors may hereafter acquire title to other property for the uses and benefit of the Protestant Episcopal Church in the United States of America in the Diocese of Kentucky; and whereas, it is desired by the Right Reverend Thomas Underwood Dudley that the manner and character of his holding the property heretofore conveyed to him as bishop aforesaid, and the uses and purposes for which he holds the same, shall be declared, and that all such property

shall vest in him and his successors in office as a corporation sole, for the uses and purposes declared in the instrument conveying the same, and not in the heirs of himself or of his successors ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporation.

§ 1. That the Bishop of the Protestant Episcopal Church in the United States of America and of the Diocese of Kentucky, and his successors in office, duly elected and consecrated as such, according to the constitution and canons of said church, and of the Diocese of Kentucky, and legally exercising jurisdiction thereunder in the Diocese of Kentucky, is hereby created a corporation sole, in the name of "The Bishop of Kentucky," with power to sue and be sued, contract and be contracted with, and of receiving, holding and acquiring, by purchase, gift, devise, bequest or otherwise, any property, real, personal or mixed, in trust for the uses and benefit of said church or any parish of said church, or for any mission, charitable use, or educational purpose, organized or to be organized by said church, and under its supervision and direction, as well as the property heretofore conveyed to Thomas Underwood Dudley as bishop aforesaid ; and shall have the power to sell and convey any of said property, and reinvest the proceeds arising therefrom for the uses and purposes set forth in the original conveyance, devise or bequest, as may be directed by resolution of the Diocesan Council of the Diocese of Kentucky ; and may have and use a corporate seal, and renew, alter and change the same at pleasure.

§ 2. This act shall take effect from and after its passage, and become a law upon its acceptance by the Diocesan Council of the Diocese of Kentucky, and the approval thereof by the bishop of said Diocese.

§ 3. This act to take effect from its passage.

Approved March 6, 1888.

CHAPTER 399.

AN ACT to incorporate the Lawrenceburg Storage and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. B. Ripy, W. B. Saffell, John Dowling, J. M. Johnson and C. E. Bond, and their associates, ^{Incorporation and names of incorporators.} successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Lawrenceburg Storage and Warehouse Company ; and in that name shall have perpetual succession, and have and enjoy all rights, powers and privileges which incorporated companies, organized under chapter 56 of the General Statutes of Kentucky, have and enjoy.

§ 2. The business and affairs of said company shall ^{Board of directors.} be managed and controlled by a board of not less than five or more than nine directors, who shall be elected annually, and who shall elect a president, secretary, treasurer, manager, and such other officers as they may deem necessary, who may or may not be members of the board, and whose duties shall be prescribed by the by-laws of the said company. The incorporators above named shall act directors until the stockholders of said company shall hold their first annual meeting, or until their successors are elected ; and in case there is any vacancy in said board, it may be filled by the remaining members of the board. The treasurer, and all other financial agents of said company, may be required to execute bond for the faithful performance of their duties in such sum as the board may fix.

§ 3. The capital stock of said company shall be fifty ^{Capital stock.} thousand dollars, divided into shares of one hundred dollars each, but the same may be increased at any time by the board of directors to a sum not exceeding one hundred thousand dollars. But as soon as five thousand dollars is paid in, said corporation may be-

gin business, and have all rights and privileges of this charter.

Nature of business. § 4. The said company, when organized, shall have power to do a general storage and warehouse business, and to make advancements on property of any kind consigned to or stored with it, and shall have a lien upon all property so consigned to or stored with it to secure to it the repayment of its advances, with legal interest, and all proper charges for storage, insurance, and other expenses connected therewith. The said company may issue warehouse receipts, subject in all respects to existing or future laws of this State concerning the issuing of warehouse receipts.

Storage § 5. It shall be lawful for any common carrier, having a place of business in Lawrenceburg, holding baggage or freight of any kind which has remained unclaimed by the owner or consignee for five days after reaching Lawrenceburg or destination, in Anderson county, or on which the owner or consignee refuses to pay the proper charges, to store the same with said company, taking its receipt therefor, and upon so doing, the carrier shall be relieved from all further responsibility or liability on account thereof; and the said company may advance to the carrier the amount due it for freights and charges; and said company shall have a first lien on the property so stored with it to secure to it the repayment of the money so advanced by it with interest, together with its just and proper charges for storage and other expenses connected with the care of said property.

Length of time of storage. § 6. When any property, not perishable in its nature, shall be stored with said company by any common carrier, as provided in the preceding section, the said company shall safely keep and hold the same for not less than three months, if the owner thereof shall not sooner pay the charges thereon and receive same, when it may, after first giving public notice by four (4) insertions in a county newspaper, proceed to sell the same at public auction to the highest bidder

for cash, and the purchaser thereof shall acquire a valid title to the property so sold. The said notice shall specify the time and place, the character of the property so sold, and the marks, if any, thereon. The proceeds of such sale shall be applied first to the payment of all just and proper claims of the said company upon the property sold, and the balance, if not claimed by the person entitled thereto within six months after the date of the sale, shall be by said company paid into the State Treasury, to be disposed of as the General Assembly may hereafter direct.

§ 7. When property of a perishable nature is not claimed by the owner or consignee, or remains in the possession of the common carriers of Lawrenceburg or Anderson county for twenty-four hours after reaching Lawrenceburg or destination in Anderson county, it shall be lawful for such carrier to store the same with said company, and to be relieved from all future liability or responsibility therefor. And if the owner or consignee of said property is unknown to said company, or cannot be found, or after being requested to do so, refuses to pay the charges and receive said property, then said company may proceed to sell the same without advertisement or notice, in such manner and such place as they deem best for the interest of the owner thereof, and shall apply the proceeds in the manner provided in section 6 hereof.

§ 8. When property is stored with said company, and the owner thereof fails or refuses, at the expiration of the period of time for which the same is stored, to pay said company all sums due it on account thereof, and remove the same from said company's warehouse, the said company, after giving notice as provided in section 6, may proceed to sell the same for cash, to the highest bidder, and apply the proceeds of the sale as directed in section 6, or the same may be disposed of in such manner as may be prescribed by any special contract or agree-

ment under which the property is stored ; and the purchaser at any sale made by the said company, in the manner herein prescribed, or in pursuance to any special contract or agreement, shall acquire a valid title to the property purchased.

§ 9. The said company shall keep a correct register of all property stored with it by carriers, showing the character and description of the property, the marks thereon, the amounts advanced thereon, the charges and expenses thereon, and the disposition made thereof ; and the said register shall at all times be open to the inspection of the State Treasurer, or any agent appointed by him to examine the same ; and upon the failure of said company to pay the State Treasurer, on demand, any sum which, by the provisions of this act should be paid into the State Treasury, the said company may be proceeded against in the Franklin circuit court, and on its failure to satisfy any judgment rendered against it requiring to pay any sum of money into the State Treasury, it shall forfeit the franchises hereby granted to it.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1888.

CHAPTER 401.

AN ACT to authorize and empower the Charleston, Cincinnati and Chicago Railroad Company to build, construct and operate telegraph and telephone lines in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Charleston, Cincinnati and Chicago Railroad Company, a corporation duly existing under the laws of this Commonwealth, be, and the same is hereby, authorized and empowered to own, construct, maintain and operate a line or lines of telegraph or

telephone along any of the lines of said railroad company now or hereafter to be built in this Commonwealth, and shall also have power and authority to build and construct branch lines to any point in this Commonwealth whenever the same shall be deemed necessary or expedient. The said railroad company shall have the right to receive and transmit messages over any of its lines, and to transact any and all business incident to a telegraph and telephone company, and to charge and collect tolls therefor.

§ 2. That the said Charleston, Cincinnati and Chicago Railroad Company be, and the same is hereby, authorized and empowered to connect its lines or branch lines with the lines of any other telegraph or telephone company, within or without this Commonwealth, by contract with said company or companies, and may consolidate its own lines with, or lease, sell or convey its lines to, any other telegraph or telephone company or company whenever the same may be deemed expedient.

§ 3. That the said Charleston, Cincinnati and Chicago Railroad Company be, and the same is hereby declared to be, entitled to all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions in regard to securing rights of way for said telegraph or telephone lines that are now or hereafter may be contained in the laws of this Commonwealth allowing railroad companies to secure rights of way for railroad purposes, charters of said railroad company, and all acts amendatory thereof, allowing said railroad company to secure rights of way for railroad purposes.

§ 4. That this act shall be in force from and after its passage.

Approved March 6, 1888.

CHAPTER 403.

AN ACT to amend an act, entitled "An act to incorporate the Fourth Avenue Park Turnpike Company, in Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section seventeen (17) of an act, entitled "An act to incorporate the Fourth Avenue Park Turnpike Company, in Jefferson county," be so amended that the time within which six (6) miles of said road shall be constructed, be so extended that said work shall be done as soon as practicable, after the right of way shall have been obtained therefor: *Provided*, Said work is commenced in one year and completed in five years from the passage of this act.

§ 2. That this act shall take effect from its passage.

Approved March 6, 1888.

CHAPTER 404.

AN ACT to incorporate the Tennessee and Ohio River Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Gilbert, R. K. Dunkerson, J. H. Fowler, G. C. Crumbaugh, J. C. Cobb, their associates, successors and assigns, are hereby created and made a corporate body within this Commonwealth, by the name and style of the "Tennessee and Ohio River Transportation Company," with perpetual succession, and with power to contract and be contracted with, to sue and be sued, in the name of the Tennessee and Ohio River Transportation Company, in the courts of this State and elsewhere, as a natural person, and to use a common seal, with power to renew or alter same at pleasure.

§ 2. That the capital stock of said Tennessee and Ohio River Transportation Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and which may be subscribed for by any corporation, as well as by individuals; and the corporation hereby created shall have the power to subscribe for stock in any railroad company or bridge company, or in any other water or river transportation company.

§ 3. That the said Tennessee and Ohio River Transportation Company is authorized to commence business whenever twenty-five thousand dollars of the capital stock shall have been subscribed for and paid in.

§ 4. That the chief office or place of business of said Tennessee and Ohio River Transportation Company shall be at Paducah, Kentucky.

§ 5. That the private property belonging to the stockholders of said Tennessee and Ohio River Transportation Company shall be exempt from the debts of said company.

§ 6. That the said Tennessee and Ohio River Transportation Company shall have the right to buy, build and own steamboats, towboats, steam tugs, barges and flatboats, and to float, run and operate same in the waters of the Tennessee, Cumberland, Ohio and Mississippi rivers and their navigable tributaries, for the purpose of doing a general packet, steamboat and towing business, and to do all things that may be necessary and proper for it to do as a common carrier of persons and property. It shall have the right to build, buy and own floating docks and wharfboats, and to do a general wharfboat business. It shall have the right to buy, construct and own steam ferry or transfer boats, and to use and operate same for ferrying or transferring across the Ohio or Tennessee river or both, at any place within this State, from the tracks or inclines of one railroad to the tracks or inclines of another railroad, or from the tracks or inclines of one section or division of any railroad to the tracks or

inclines of another section or division of the same railroad, locomotives and tenders, and their contents and attendants, passenger cars, sleeping cars, mail cars, express cars, cabooses, freight cars, stock cars, flat cars, or any other railway vehicles, either empty or occupied by passengers or loaded with freight or stock; to ferry or transfer passengers, freight and stock inside of cars or on the decks of boats, and to do all things necessary to maintain and operate a steam ferry or transfer for persons and property across said rivers from the tracks or inclines of one railroad to those of another, or from the tracks or inclines of one section or division of any railroad to the tracks or inclines of another section or division of the same railroad, as aforesaid.

§ 7. That the said Tennessee and Ohio River Transportation Company shall have the right to purchase, lease, or otherwise acquire and hold, real and other property for landings for steamboats, transfer boats and wharfboats, and for other purposes, and may sell and convey such property at pleasure.

§ 8. That the incorporators herein named shall constitute the first board of directors of said company, and shall organize the same and provide for the subscription of stock to said company, and shall pass by-laws for the government of the business of said company, the meeting of stockholders, the election of directors, officers and other necessary provisions for the carrying on of the corporate business of the said company. The by-laws of said company shall provide for the number of directors after the first election, which shall take place within twelve months of the organization of said company. Said directors shall consist of not less than three (3) and not more than seven (7), who shall be stockholders of the said company.

§ 9. The company shall have a president, superintendent, general freight agent, secretary and treas-

urer, who shall be elected by the directors at such times as shall be provided by the by-laws.

§ 10. That this act shall take effect and be in force from and after its passage.

Approved March 6, 1888.

CHAPTER 405.

AN ACT to incorporate the Lily Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. T. Downs, Robert Boyd, J. A. Craft, M. M. Harlier, J. W. Cooke, Jr., J. R. Crooke, Geo. W. Colbert, and L. H. Blanton, and their associates and successors, are hereby created and constituted a body-politic and corporate, by the name and style of the Lily Mining and Manufacturing Company, and by that name they and their associates and successors shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with, by deed or other writings; to have a common seal, and to alter the same at pleasure; to engage in mining, drifting, shafting, drilling and boring for coal, iron ore and other minerals, petroleum oil, natural gas, salt water and other mineral products or substances; to take out, extract, develop, smelt and refine, reduce, manufacture, purchase and prepare for market, and sell any and all of said mineral products; to conduct manufacture in wood, iron and steel; to transport or send to market the products of their business in any of the foregoing departments, and sell them in and out of the State; to buy, erect or conduct all saw-mills, forges, furnaces, coke ovens, refineries, work-shops, mills, mines, and all machinery and fixtures deemed necessary or proper in carrying on said business; may buy and sell timber, or manufacture the same into lumber, staves,

Names of incorporators and nature of business.

barrels, or any other article or thing; and build or cause to be built any railroads, pipe lines, tram-roads, or other roads to the Louisville and Nashville Railroad, its branches in operation, or that may hereafter be built, or any other railroad in operation, or that may be hereafter constructed in the counties of Laurel, Whitley, Knox, Bell, Harlan, and Clay, in the State of Kentucky; and to have all power necessary for the successful mining, producing and transporting of said mineral substances, oil, gas, timber, lumber, and the prosecution, specially and generally, of such business, and for the execution and carrying into effect of all the powers herein granted.

May acquire
real estate.

§ 2. The said company shall have the power to acquire and hold such real estate by lease, fee-simple title or otherwise, as it may deem necessary or expedient for its business, and sell and convey the same. It shall have the power to locate, construct, operate and equip a railroad or branch railroads, a pipe line or pipe lines, tram-roads, plank roads, or any other road, to or from any of the mines, works, coal, minerals, oil, gas, timber lands, to said railroad or railroads and their branches; and may build bridges when and wherever necessary: *Provided*, Same shall not interfere with navigation; and may and shall acquire for said road or roads, pipe line or pipe lines, and bridge or bridges, the land, timber and rock necessary for the location and construction of the same by agreement with the owners thereof, or in default of such agreement, then the president and directors shall proceed as provided in the General Statutes, chapter 18, an act of the General Assembly, of the Commonwealth of Kentucky; also chapter 94, section 44 to 50, inclusive: *Provided, however*, That the power to construct railroads shall be limited to such roads as are necessary for the use of said company in transacting and carrying on the other business for which powers are herein granted.

§ 3. Any and all persons shall have the right to transport coal, iron ore, or any other mineral, oil, timber and lumber over said road or roads, pipe line or pipe lines, bridge or bridges, when completed; and it shall be the duty of said company to receive and transport the same, and for this it shall not charge for coal or other articles transported, higher rates than are charged for similar services by other roads similarly situated.

§ 4. The capital stock of said company may be any Capital stock. amount not exceeding two million dollars, to be divided into shares of one hundred dollars each, and indorsed and transferred as may be prescribed by the by-laws of said company. Books may be opened for the subscription of stock by any of the incorporators; but no subscription shall be entered on the books of the company without the consent of a majority of the incorporators.

§ 5. When twenty thousand dollars shall have been Meeting of stockholders. subscribed, the incorporators may call a meeting of the subscribers, notifying each subscriber of the time and place of meeting, and proceed to organize said company by electing from the subscribers a board of directors, not less than five nor more than nine in number. The board of directors shall have power to adopt such by-laws for the government of the company, its officers, agents and employes in the general conduct and management of the affairs and business of the company, as may be deemed needful and proper.

§ 6. That the board of directors shall provide in the Election of directors. by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. The directors shall severally hold their offices for two years, and until their successors are elected and qualified, by and with the consent of a majority of the stockholders. The board of directors may fill

any vacancy occasioned by death or otherwise in their number. It shall require a majority of the directors to constitute a quorum of the board of directors for the transaction of business. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provisions shall be made in the by-laws for annual meetings of the stockholders and such call meetings as may be deemed necessary.

Management
and control of
affairs.

§ 7. The board of directors shall have the management and control of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, and remove the same, prescribe their duties and compensation, and exercise all the power hereby granted to the corporation.

May borrow
money.

§ 8. The board of directors may borrow, or obtain by loan, such sums of money as may be necessary, or that the business may require, on such terms as they may deem expedient, the same not being inconsistent with the laws of this State or the United States of America, and may bond or mortgage any or all the property of the company to secure its payment: *Provided always*, That two-thirds of the directors agree thereto.

Exemption of
private property.

§ 9. The private property of the stockholders shall not be liable for the debts or liabilities of the corporation.

Office of com-
pany.

§ 10. The principal office of said company shall be at Lily, Laurel county, Kentucky, and it may be changed or removed when deemed expedient; and the company may have branch offices at such places in Kentucky as may be deemed necessary.

When company
may organize.

§ 11. When twenty thousand dollars shall have been subscribed, and such portion paid up as the directors

may require, the company shall be deemed fully organized, and may proceed with its business.

§ 12. This act takes effect from its passage.

Approved March 7, 1888.

CHAPTER 406.

AN ACT to amend an act to revise the charter of the city of Paducah, and reduce into one the several acts relating thereto, approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to revise the charter of the city of Paducah, and reduce into one the several acts relating thereto, approved May 12, 1884, be amended as follows: That on the trial in equity of any case relating to the improvement of any street, alley, or sidewalk, or any part thereof, in the city of Paducah, the judge trying the case shall have the right to correct any mistake or error of the city engineer of said city in estimating and apportioning the costs of such improvement among lot-owners, or any mistakes or errors of the council of said city relating to such improvements, so as to do complete justice to all parties.

Original act amended.

Trial of cases relating to improvement of streets.

§ 2. Strike out the following proviso from section 6 of the amendment to this charter, approved March 26, 1886: "Provided, that the county judge and a majority of all the justices of said county agree."

§ 3. The council clerk shall keep a record-book, in which he shall keep a record of all deeds issued by the city of Paducah to lot-owners in Oak Grove cemetery, and copies from such book, attested by the council clerk shall be evidence in all courts in this State. He shall also keep a book in which he shall record all deeds to the city of Paducah dedicating lots and alleys and other ground to said city for public pur-

Council clerk's duties.

poses; and copies of any such deed, attested by the council clerk, shall be evidence in all courts of this State.

Concerning assessment.

§ 4. All persons moving into and becoming residents of the city of Paducah after the assessor's books have been returned to the council clerk by the assessor for any year, and who have not listed and paid taxes on their property for such year, shall list the same for taxation for city purposes with the council clerk for any such year; and the council for said city shall have the power to regulate this matter and provide a penalty for its violation by ordinance.

City court jurisdiction.

§ 5. The Paducah city court shall have original jurisdiction, exclusive of the county judge and justices of the peace, but concurrent with the circuit court, of all misdemeanors and violations of the penal laws of the State of Kentucky occurring within the limits of the city of Paducah, and concurrent jurisdiction with the circuit court, county judge and justices of the peace, of all misdemeanors and violations of the penal laws of the State of Kentucky occurring within one and one-half miles of the limits of said city; and all said misdemeanors and violations of the penal laws of this State shall be prosecuted by summons or warrant of the arrest issued by the city judge or any justice of the peace of said city, or upon written information by the city attorney in the nature of an indictment, wherein the offense charged shall be described in plain language, in such manner as to apprise a person of ordinary understanding of the nature of the offense with which he or she is charged: *Provided*, That no warrant of arrest shall issue in any case unless there is an affidavit as to the truth of the charge filed either with the officer issuing the warrant or the city attorney, before the warrant of arrest issues. All such summonses and warrants shall be returned to the Paducah city court and filed by the city judge. All information in the nature of indictments shall be filed in the

Paducah city court by the judge of said court, and with the summonses and warrants, shall become a part of the records of said court. On all informations filed by the city attorney, a summons or warrant of arrest shall be issued by the city judge, or, in his absence, by the council clerk, under the direction and supervision of the city attorney. The proceedings and trials in the Paducah city court, under all such summonses, warrants of arrest and informations filed by the city attorney, shall be governed by the Criminal Code of Practice in the State of Kentucky, as far as the same is applicable and not in conflict with these amendments.

§ 6. That on all judgments of the Paducah city court, the offender, in default of payment, shall be confined in the Paducah city prison, at the rate of one dollar per day, until the fine and costs are paid; but the court, on motion of the city attorney, shall order such offender to be worked on the public streets, or in the gravel pits, or on any other public works of the city within said city, or within one and one-half miles thereof: *Provided*, That no female shall be required to work on the public streets, gravel pits, or any other public work in said city, unless in a work-house provided by the city.

Imprisonment for
default of pay-
ment of judg-
ment due city.

§ 7. When bail has been fixed in any case, money may be deposited in lieu of bail, either with the city judge or officer making the arrest; but in all such cases the same, if received by a peace officer, shall be paid to the city judge, and by said judge immediately deposited in one of the banks in Paducah to the credit of the Paducah city court. The mode of forfeiting such deposited money in lieu of bail, and the proceedings thereunder, shall be as provided in the Criminal Code of the State of Kentucky. The judge of the Paducah city court shall keep a record of all moneys received, and the name of the person to whom the same is paid.

Bail.

§ 8. The council of the city of Paducah shall have

R-bate on taxes.

Penalty on de-
layed taxes.

power to allow a rebate to any tax-payer, who shall pay his or her taxes due to the collector for any year on or before July 1st, the sum of five per cent.; and on all taxes to the city of Paducah, which shall not be paid to the tax collector on or before the first day of February in each year, there shall be added a penalty of five per cent., which tax, with the penalty, shall be collected by the tax collector, and be paid over to the city treasurer. The tax collector shall make settlement with the city on or before the first day of June in each year. He may appoint one or more deputies, and take bond from such deputies for a faithful discharge of the duties of his office. The city council may allow the tax collector, as compensation for his services, a commission of not exceeding five per cent. on the amount he shall collect and pay into the city treasury.

Offices incom-
patible.

§ 9. The following officers of the city of Paducah are declared not to be incompatible: Auditor and school trustee, inspector of licenses and day policeman, keeper of the city prison and day policeman, street inspector and day policeman; and the council of the city of Paducah shall have the power to combine any two or more of said offices, and elect such officers at the time fixed by the charter of the city.

Powers of coun-
cil concerning
streets.

§ 10. That whenever the council of the city of Paducah shall order any streets, alleys or sidewalks to be improved, the owner of the lots fronting on the property ordered to be improved shall have the right to have such improvement made in front of his property: *Provided*, The owner of such lot shall notify the mayor before the work is put under contract, and shall give bond with good security, to be approved by the mayor, to do the work within the time fixed by the ordinance ordering such improvement, and agreeing, in writing, upon failure to so improve, that the mayor shall advertise, for five days, in some paper published in the city of Paducah, and let the work in front of said owner's property to the lowest and

best bidder, to be completed in not more than sixty days from the day the same is so let by the mayor.

§ 11. That where any part of a sidewalk, street or alley has been improved in any block in the city of Paducah, leaving a part of such block unimproved, the council of the city of Paducah is vested with power, by ordinance, to improve the unimproved part of any such block, in such manner and with such material as the council of said city may think proper.

§ 12. The council of the city of Paducah is vested with power to tax and collect from any insurance company doing business in the city of Paducah, or from any agent of such company, or from any person in said city acting for and representing himself as agent for such company, from twenty-five to one hundred dollars for each and every year, and which tax shall be in full of the three per cent. tax on the premiums of such insurance companies heretofore allowed and collected, and also the license tax heretofore allowed required of insurance companies and agents of said city. Tax on insurance agent.

§ 13. The defendant shall have the right of appeal from any judgment of the Paducah city court to the McCracken circuit court, when the amount of the judgment against him is twenty dollars or more, exclusive of costs, and the like appeal from the judgment of the Paducah city court to the McCracken circuit court, where the judgment against him is for any length of imprisonment. The city of Paducah shall have the right of appeal from any judgment of the Paducah city court to the McCracken circuit court, whether the prosecution is in the name of the Commonwealth of Kentucky or in the name of the city of Paducah, where the penalty may be imprisonment or a fine. Appeal from judgment city court.

§ 14. That if the marshal of the city of Paducah, the keeper of the city prison, or any policeman or other person, having the custody or charge of any city Keeper of prison.

Penalty for escaped prisoner.

prisoners, shall suffer or permit any such prisoner to escape, or shall set at liberty any such prisoner, or shall aid or assist any person to escape from prison or from custody, the person so offending, upon conviction in the Paducah city court, shall be fined not less than fifty nor more than one hundred dollars for each offense, to be recovered like other fines in the Paducah city court.

Forfeiture of bond.

§ 15. Any person who shall fail to appear for trial or judgment in the Paducah city court, or at any other time when his presence in said court may be lawfully required, or if any person all fail to surrender himself in execution of any judgment of said Paducah city court, the court must direct such fact to be entered of record, and thereupon the bail bond or money deposited in lieu of bail shall be by order of said court declared forfeited. Upon such forfeiture, if on a bail bond, the court shall order a summons to issue against the surety in the bail bond, requiring him to show cause, upon a regular day of court after the expiration of ten days from the day of forfeiture, why judgment should not be rendered against him for the amount of any such bail bond with cost, and, except as above, all proceedings in case of forfeiture shall be governed by the Criminal Code of Practice.

Taxation.

§ 16. That the same property, subject to taxation under the laws of the State of Kentucky for revenue purposes, shall be subject to taxation in the city of Paducah for municipal purposes, and shall be listed for such purposes by the tax-payers of said city.

License tax on wharves.

§ 17. That the city council of the city of Paducah shall have the power to require a license tax on any wharf-boat in said city of not less than one nor more than four dollars per foot, and to prescribe proper penalties for the non-payment of the same.

§ 18. That the council of the city of Paducah is vested with power, by ordinance, to carry into effect these amendments, and where no penalty exists by

State law, to provide a penalty for any violation thereof.

§ 19. All acts or parts of acts in conflict with these amendments, or any portion thereof, are hereby repealed.

§ 20. That the council of the city of Paducah shall have power, by ordinance or resolution, to locate and establish, vacate or change any street or alley in said city whenever the council of said city shall determine that the public interest of said city demands or requires it. Council may establish or vacate streets.

§ 21. This act shall take effect and be in force from its passage.

Approved March 7, 1888.

CHAPTER 407.

AN ACT to amend an act to incorporate the Citizens' Gas-light Company of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Citizens' Gas-light Company of Maysville," approved April 19, 1886, be, and the same is hereby, amended, so as to authorize said company to increase the capital stock of said company to eighty thousand dollars, in shares of one hundred dollars each.

§ 2. That this act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 408.

AN ACT, entitled An act to incorporate the Kling Car Coupler Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Horace Scott, Laf. Joseph, Isaac Kling
 Incorporators. shall be, and are hereby, created and made a body-
 Corporate name. politic and corporate, by the name of the "Kling Car
 Coupler Company;" and by that name shall have
 power and authority to contract and be contracted
 with, to sue and be sued, to plead and be im-
 pleaded, to have a corporate seal, and alter the same
 at pleasure; they shall have the right to purchase,
 Purchase lands, hold, lease any land deemed necessary or useful for
 etc. the prosecution of their business; also to acquire such
 real and personal estate as is useful or requisite for
 the same; and it may at any time sell, exchange,
 Sell or mortgage. mortgage, or convey said estate, or any portion
 thereof, and purchase other. They shall have the
 right to manufacture and dispose of the products.

§ 2. The capital stock of said corporation shall be
 Capital stock, divided into shares of one hundred (\$100) dollars
 Shares. each; but they may commence business when not
 less than five thousand (\$5,000) dollars shall be sub-
 scribed as stock, with the privilege of increasing the
 same, from time to time, to meet the needs of its busi-
 ness, by a vote of a majority of its stock being voted
 therefor. Said subscription of stock may be paid for
 in cash upon calls in such a way and at such times
 and places as ordered by the board of directors, or
 may be issued as full-paid stock for patents or other
 property or franchises, as may be agreed to by the
 directors.

§ 3. The business and affairs of said corporation
 shall be managed by a president and board of di-
 President and rectors. The directors shall be chosen annually by
 Directors and president chosen. the stockholders on the first Tuesday in April of each

year, who shall continue in office until their successors are duly elected and qualified. The president shall be chosen from the directors, and no one shall be qualified as president or director unless he is an owner of stock in said company. In said elections a majority of the stock voting shall control, and the vote may be cast in person or by proxy. There shall be three directors chosen at the first annual election, and the number may be afterwards increased to seven by the by-laws of said corporation.

§ 4. The said board of directors may have power to ^{Officers and agents.} appoint and dismiss any officer or agent at their pleasure in the conduct of the business of said corporation; and may require of said officers or agents bonds, with security, for a faithful discharge of duty, and to account for all money or property which may come to the possession or under the control of said agents or officers belonging to said corporation.

§ 5. Said president and directors shall have full ^{By-laws.} power to make such by-laws, rules and regulations, for the conduct of its affairs, as they shall deem fit, and for regulating and controlling its officers and agents, not in conflict with the Constitution of the United States or the Constitution and laws of the State of Kentucky.

§ 6. That by a vote of the majority of the stock, ^{Issue bonds.} the said corporation may have the right to borrow money to such amount as the directors may deem best, and issue bonds of said corporation or company in such sums, and payable at such times and places, as may be agreed; and for the security and payment of said bonds may mortgage any or all of the property of said corporation to the party or corporation from whom said money is borrowed, or to any other person; and said bonds may be made to draw interest at any rate not to exceed ten per cent. per annum, if so agreed, and the same shall be valid in law.

§ 7. That until the first annual election herein provided for, the incorporators herein named shall hereby

be constituted the directors of said corporation, and shall hold their office until their successors are duly elected and qualified ; and notice of each annual election shall be given by publication in one of the daily newspapers published in Louisville.

§ 8. That whenever, from any cause, a vacancy occurs in the board of directors, the same shall be filled by the remaining directors.

§ 9. That the private property of stockholders shall be exempt from corporate debts.

§ 10. This act shall take effect from and after its passage.

Approved March 8, 1888.

CHAPTER 409.

AN ACT to amend an act, entitled "An act to transfer to the Warren county court that portion of the Louisville and Nashville Turnpike lying in Warren county, and to authorize said county to manage and repair the same."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to transfer to the Warren county court that portion of the Louisville and Nashville Turnpike lying in Warren county, and to authorize said county to manage and repair the same," approved May 12, 1884, be, and the same is hereby, amended as follows: The Warren county court, composed of the magistrates of said county and the presiding judge of said court, are hereby authorized and empowered to issue and sell, not exceeding six thousand dollars, of the bonds which said county was authorized and empowered to issue by virtue of an act, entitled "An act to authorize the county court of Warren county to subscribe stock in turnpike roads in said county," approved May 10, 1886 ; and the said court is authorized and empowered to use the proceeds of such of said bonds as may be

issued and sold in pursuance to this act in repairing said road, as provided in the act to which this act is an amendment.

§ 2. The amount herein authorized to be used shall be expended upon that part of said Louisville and Nashville Turnpike lying between Bowling Green and the Simpson county line; and may be expended upon such portions of said part of said road as the Warren county court may choose: *Provided, however,* That no part of said amount shall be expended upon that part of said road still retained by lessees as long as said lessees retain control thereof.

§ 3. The bonds authorized to be sold herein shall not exceed six thousand dollars, face value, and may be sold by said court publicly or privately, as the Warren county court may deem most advantageous.

§ 4. Nothing in this act shall be construed as authorizing the Warren county court to issue any bonds, in addition to the amount authorized by said act, to authorize the county court of Warren county to subscribe stock in turnpike roads in said county.

Approved March 8, 1888.

CHAPTER 410.

AN ACT to close certain public ways in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the public ways in that portion of the city of Louisville bounded by Lexington, Kentucky, Seventh and Ninth streets, except Eighth street and the alley parallel thereto, running from Lexington to Kentucky streets, between Seventh and Eighth streets, be, and they are hereby, abandoned, discontinued and closed.

§ 2. This act shall take effect when approved by resolution of the general council of the city of Louisville, and not before.

Approved March 7, 1888.

CHAPTER 411.

AN ACT to provide for the sale of the poor-house property of Harrison county, and for the purchase of a farm and establishment of county infirmary, and provide means for payment of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Harrison county be, and is hereby, authorized and empowered, for and on behalf of said county, to sell the present property owned and controlled by said county as a county poor-house, and to make provisions for the care and maintenance of the paupers of the said county, by purchasing a suitable farm for a county infirmary, and equipping and furnishing it as may be necessary for said purpose, and to provide for the issue and sale of the bonds of the county, not to exceed twenty-five thousand dollars in amount, for the purpose of paying off the indebtedness that may be incurred by reason of such expenditures.

§ 2. The said county court shall have exclusive control of the said county infirmary, and may adopt such rules and regulations for its government as may from time to time be deemed necessary. They shall adopt all plans for running same, and provide for receiving the county paupers, and do any thing else that may be necessary for the successful operation of same.

§ 3. The bonds contemplated in this act shall be of the denomination of five hundred dollars each, or one thousand dollars each, with interest coupons attached ; they shall be dated on the date that may be fixed by the said court, of the year in which they may be issued ; they shall bear interest from date, the interest to be paid semi-annually, dating from the date of their issue ; the principal to be paid at such time or times as may be found most convenient and advantageous for the sale of said bonds ; and the interest as it accrues, and the principal of such bonds as they ma-

ture, to be made payable at some bank in the city of New York, or in Cincinnati, Ohio, or Louisville, Kentucky, or Cynthiana, Kentucky.

§ 4. Said bonds, under the direction of said court, shall be signed by the presiding judge of said county and attested by the clerk of said court under his seal of office; and it shall be the duty of said clerk to record in a register kept for that purpose, the number, date, amount, and the date of maturity of each bond issued, with the names of the purchasers and the price paid for each when sold; and he shall, upon presentation of any such bonds thereafter, record in such register any transfer that may be indorsed thereon, for which services he shall be entitled to a reasonable compensation to be paid out of the county levy.

§ 5. The said court shall have some suitable person or persons to sell the bonds that may be issued as provided for in this act, to receive the proceeds of such sale or sales, and to apply the same to the payment of the indebtedness above contemplated. The person or persons so appointed to receive and pay out the money obtained upon the sale of such bonds shall be required to execute bond, payable to the Commonwealth of Kentucky, with good and sufficient sureties, approved by said court, for the faithful discharge of all the duties required by such appointment, and the proper application of all moneys received under and by reason thereof. And the said county, or any person injured by the breach of any of the stipulations of such bond, shall have a right of action thereon against the principals and sureties therein.

§ 6. The said court, in each and every year after the passage of this act, at same time it is required by law to impose the county levy to meet the ordinary expenses of the county, shall levy an *ad valorem* tax upon all the taxable property of Harrison county, for the purpose of paying the interest and principal of the bonds that may be issued under the provisions of this act, until all of said bonds shall be fully paid;

and the rate of taxation for that purpose shall be so fixed as to raise enough money to pay said interest as it accrues, and the principal of said bonds as they mature, and not less than enough to pay the yearly interest, and such amount of the principal as the said court may determine, in each and every year; and said taxes, when collected, shall be used for the payment of the indebtedness above mentioned, and for no other purpose.

§ 7. The sheriff or other collector of the county levy shall collect, account for, and pay over the taxes so levied to the person or persons appointed to receive the same, in the same manner, at the same times, and under the same penalties and responsibilities, as provided by law for the collections and payment of the county levy proper, and shall receive compensation therefor as part of said county levy; and it shall be the duty of said court to see that enough money is deposited, from time to time, at the place of payment of said bonds, to meet the payments of the interest and principal thereof as the same falls due.

§ 8. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 412.

AN ACT to amend an act, entitled "An act for the working of roads and passways in Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of article 1, chapter 94, of the General Statutes, title, Roads and Passways, be, and they are hereby, repealed, and in lieu and stead is enacted the following; but this act is to apply to the county of Jefferson, outside the corporate limits of the city of Louisville only.

§ 2. That the county levy court of Jefferson county shall meet within sixty days after the passage of this act, at the court-house in the city of Louisville, a majority of the justices of the peace in commission residing outside of the corporate limits of the city of Louisville being present, and annually thereafter, at the March term of said levy court, order the assessor of Jefferson county to assess a poll-tax of two dollars upon each able-bodied male person residing in Jefferson county, outside of the corporate limits of the city of Louisville, over the age of sixteen and under the age of fifty years, except licensed ministers of the gospel, idiots, insane, deaf and blind persons, and such persons as are unable, on account of physical infirmity, to earn a living; and shall, at the same time, direct the said assessor to assess a tax of not exceeding five cents upon each one hundred dollars of property in said county liable to taxation for State purposes, and report the same, in a separate column of a book kept for that purpose, to the sheriff of said county for collection; and said tax shall be known as the county road tax, and the sheriff shall collect the same, and be paid the same per cent. as he is for the collection of other taxes. Said sheriff shall pay all money in his hands belonging to said county road tax fund to the county treasurer twice in each month, taking his receipt for the same, which receipt shall be a full voucher for the money so paid. All persons exempt from poll-tax under this section shall procure from the surveyor of his district a certificate of such exemption, and shall produce the same for inspection of the assessor when called upon for list of poll and property taxation. At the same meeting the said county levy court shall lay off into convenient districts that part of Jefferson county outside of the corporate limits of the city of Louisville, and said districts shall be known as road districts No. 1, 2, 3, etc.

§ 3. When an incorporated town is situated in said

county, that provides by local taxation for its own county roads, it shall be exempt from the provisions of this act.

§ 4. The county judge, on the recommendation of at least five housekeepers, resident in any road district, shall appoint a surveyor for said district for a term of two years, who shall have been a resident housekeeper of said district for at least one year before said appointment. Before entering upon the duties of his office the said surveyor shall take an oath for the faithful performance of his duties, and give a bond with security, to be approved by the said county judge, conditioned for the faithful discharge of his duties, in a sum not less than two hundred dollars, and which bond shall be held and kept by the clerk of the Jefferson county court. It shall be the duty of said surveyor, under the direction of the justices of the peace in said road district, to employ laborers, mechanics and teams at specified wages, such as is usual in the district for such class of work. Such employes shall work ten hours each day, and said surveyor shall be responsible for the performance of the work in the manner directed by said justices of peace. For any damage sustained by the district, on account of the failure of the said surveyor to perform the work in accordance with the directions of said justices, he shall be liable to an action on his bond in the name of the road district. Said surveyor shall keep the time of the hands employed by him; he may dismiss or discharge any hand at any time with or without cause. For payment of his hands he may give an order on the county treasurer on the funds belonging to his district, which order, with the indorsement of the payee thereon, shall be a sufficient voucher for said treasurer in his settlement. For each day necessarily employed by said surveyor on the said county roads, he shall receive not more than one dollar and fifty cents per day, and his account, when approved by the justices of the district, shall be paid by the county

treasurer as laborers are paid. But said justices of the peace, jointly with the surveyor of said district, may, whenever they deem it best, where the probable cost of the work on the county roads in their district exceeds thirty dollars, let the contract out to the lowest and best bidder, after duly advertising the same by handbills posted up at not less than five public places in said district, giving the time and place of the letting of such contracts, together with a brief description of the proposed work, reserving the right to reject all bids for said work, inviting all persons to bid for said work; they shall require the person that takes the contract to give bond for the faithful performance of his contract in a sum double the amount of the sum bid. After said contract has been completed, the said justices and surveyor shall inspect the work, receive or reject the same; and if they receive it, they shall approve the contractor's claim, and the county treasurer shall pay it as the claims of laborers are paid.

§ 5. When a county road forms the line between two districts, the respective districts shall work the same jointly, and pay for the work in equal proportions under the supervision of their respective surveyors, each paying for the half of the road adjoining his district; but if either district shall fail or refuse to work said road, the other surveyor may give notice in writing to the delinquent surveyor that he will proceed to work the road on a named day; and if said delinquent surveyor fails or refuses to work, the other surveyor may proceed to work said road, and charge the proper cost to said district failing to work on said road. All ordinary work, such as ditches, drains, grades and embankments and scraping, shall be done on said roads between the months of May and October; but all extraordinary work, such as building bridges, may be done at any season of the year.

§ 6. The assessor shall report to the county treasurer the amount of the tax assessment in each road district in the county, and the treasurer shall keep the

amount of tax paid to him by the sheriff belonging to each district separate. And for all ordinary work each road district shall pay out of its own fund for the working of its roads. But for extraordinary work, such as building bridges, opening new roads, and making costly fills, the county levy court shall make appropriations for the cost thereof out of the whole county fund.

§ 7. The surveyor of the district shall, as nearly as possible, distribute the work on the roads in all parts of his district equally. All complaints of the citizens of his district as to the failure of said surveyor to discharge his duties faithfully shall be made to the justices of the peace of the road district. But either party feeling dissatisfied with the decision of the justices, may appeal to the next meeting of the county levy court, whose judgment shall be final.

§ 8. Any able-bodied tax-payer of the district may contract with the surveyor to work out his road tax by laboring himself or furnishing teams or tools, or both, under the same conditions and restrictions as other laborers employed by him, working the same number of hours during the day. And his order to him on the county treasurer shall be received by the sheriff in full payment of his taxes for the amount of the order. Persons liable to pay road tax, who shall have failed to pay the same by the tenth day of August in each year, shall be returned by the sheriff as delinquents. A list of whom, with the amount of tax each owes, shall be delivered by the sheriff to the surveyor of each road district in the county within five days from that time. On the receipt of said list the surveyor shall immediately give notice to all the delinquents that they will be required to pay their road tax within five days, or at that time to meet him on the road and work out their tax at one dollar a day until their road tax is paid. Those delinquents having teams may be required to furnish them, for which they shall be paid as provided above. All per-

sons so notified, failing to pay their road tax, or appearing at the time and place and offering to work on the roads to pay their tax, shall be forthwith reported to a justice of the peace of the district by the said surveyor, who shall issue his warrant against said persons, summoning them to appear before him five days thereafter, to show cause, if any they can, why they should not be dealt with as in case of contempt, and on their failure to show a good and sufficient cause, they shall be fined a sum not exceeding three dollars and the cost of the proceedings, or the justice may render judgment against them for the amount of their tax-bill and the cost, and issue execution thereon.

§ 9. The county levy court, at any regular meeting, may authorize the justices of the peace and the surveyor of any road district to purchase such tools as are necessary for working said roads, including scrapers, shovels, hoes, pick-axes, grubbing-hoes, wheel-barrows, etc., and such tools shall be the property of said district, and the surveyor shall be the custodian of said tools and be responsible for them, and shall provide a suitable place for their safe-keeping.

§ 10. The tax herein imposed shall not apply to persons under twenty-one years of age.

§ 11. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 413.

AN ACT to incorporate the Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Field, Beauregard Neale, John Arnold, E. M. Wallace, H. C. McLeod, and A. J. Shryock, and their successors, be, and they are here- Incorporators.

Certificates of
stock.

§ 9. Certificates of stock in said company shall be signed by the president and countersigned by the secretary, and shall be deemed personal estate, and transferable as the board may prescribe.

Woodford
county court
may subscribe.

§ 10. The county court of Woodford county may subscribe to the capital stock of said company such sums, and in such manner and under such conditions, as said county court may deem proper under the law and its former precedents, and the amount so subscribed by said court shall be counted in estimating the capital stock of said company for any purpose whatever.

§ 11. The president shall, if present, preside at all meetings of the board, but shall only vote in case of a tie; two or more of said board, with the president, shall constitute a quorum.

§ 12. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 414.

AN ACT to close part of an alley in the city of Louisville, between Oak street and Park Place and First and Brook streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from the east line of First street, for a distance of one hundred and sixty feet east of that line, the alley between Oak street and Park Place and First and Brook street, the south line of which is one hundred and seventy-four feet north of Park Place, in the city of Louisville, shall, from and after the passage of this act, be closed and cease to be a public way.

§ 2. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 415.

AN ACT to authorize the Harrison county court to accept turnpike roads in said county that companies wish to donate to same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Harrison county, a majority of the justices of the peace of said county being present and concurring therein, is hereby authorized to accept turnpike roads that the companies of said roads wish to donate to said county, as said court may determine.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 416.

AN ACT to amend "An act for the benefit of Green county," approved January 19, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 8 of the act for the benefit of Green county, approved January 19, 1888, be, and the same, is amended as follows: That the receipt of the treasurer of Green county shall describe the real estate owned by the tax payer, and that said real estate shall not be taxed any further for any taxes due or to become due under the provisions of said act.

§ 2. That it is hereby made lawful for the taxpayers of Green county, or any of said tax-payers, to pay his or their taxes which may be levied on the taxable property of Green county at each October term of Green county court, under the provisions of said act, on or before the first day of July in

each year, taking the receipt of the treasurer therefor, which payment shall be a valid payment of such person or persons' taxes for the year so paid; and the collector of Green county shall not proceed to collect any taxes levied under the provisions of said act until after the first day of July in each year. Said treasurer shall be responsible on his official bond for all money received by him, and shall dispose of the same as provided for in said act, approved January 19, 1888; and said treasurer shall be allowed one and a half per cent. for the money collected by him under said act and this amendment.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1888.

CHAPTER 417.

AN ACT to give J. F. Mastin, sheriff of Powell county, further time to execute bonds.

WHEREAS, J. F. Mastin, sheriff of Powell county, did, on the first Monday in January last, execute his bonds for the collection of the State revenue and county levy, with good surety; and whereas, by an oversight, the county judge failed to approve said bonds; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said J. F. Mastin be, and he is hereby, given until the first Monday in April, 1888, to execute his bonds as sheriff of Powell county, for the collection of the State revenue and county levy, which bonds shall have the same effect and validity when executed as if the bonds had been executed as now provided for by law.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 418.

AN ACT to provide for the holding of monthly terms for the trial of civil causes by the magistrates of the fifth and eighth magisterial districts of Boyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the magistrates of the fifth (5) and eighth (8) magisterial districts of Boyd county are hereby empowered to hold monthly terms of court for the transaction of civil business, with all the jurisdiction and powers now conferred by law on magistrates of Boyd county sitting at the regular quarterly terms now provided by law.

§ 2. Monthly terms of court held under the provisions of this act shall be on a day to be fixed by the presiding judge of the Boyd county court, and continue until the business is disposed of.

§ 3. This act to take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 419.

AN ACT declaring Green river a lawful fence from Hart county line to the mouth of Pitman's creek, in Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Green river, in Green county, Kentucky, be, and it is hereby, declared a lawful fence, for all intents and purposes, from the Hart county line to the mouth of Pitman's creek in said county.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 7, 1888.

CHAPTER 420.

AN ACT to amend an act, entitled "An act for the benefit of, and to reduce into one the several acts relating to, the town of Eddyville, in Lyon county," chapter 221, Acts General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section 10 (ten) of said act, which relates to a vacancy in the office of police judge and town marshal of said town, be amended, and shall read as follows: If said police judge or town marshal shall refuse or fail to qualify, or the town marshal to execute bond ten days after his election, or if either or both of them should resign or die, so that the office become vacant, the board of trustees shall immediately appoint a police judge or town marshal to fill such vacancy until the next regular election.

Police judge and
marshal.

§ 2. That section 7 of said act, describing the powers and duties of the police judge of said town, be so amended as to give the said police judge of the town of Eddyville concurrent jurisdiction in all civil and criminal causes throughout the county of Lyon with the quarterly court judge of Lyon county, Kentucky; and that said police judge shall hold his civil courts in the town of Eddyville on the first Mondays in each month.

Powers and
duties police
judge.

§ 3. That in all criminal and penal cases tried by the judge of said police court of the town of Eddyville, when a fine is imposed and the same is not immediately paid or replevied, the person so fined shall be imprisoned in the jail of Lyon county, at the rate of two dollars per day, until the fine is paid: *Provided, however,* If there be a lock-up in said town, such person so fined shall be imprisoned in said lock-up, at the same rate per day, until said fine is paid.

Criminal and
penal cases.

§ 4. That the trustees of the town of Eddyville are authorized to build a lock-up in said town, and said trustees may levy a tax of not exceeding ten cents on

Trustees author-
ized erect lock-
up.

each one hundred dollars' worth of property in said town for the purpose of building said lock-up; and when said lock-up is built, any person that may be fined by the police judge of said town, and failing to pay or replevy said fine and costs, shall be confined in said lock-up at the rate of two dollars per day until said fine is paid; and said person so fined and imprisoned may, by order of the board of trustees of said town, also be worked upon the streets and alleys of said town at the rate of two dollars per day until said fine and costs is paid: *Provided*, That whilst said prisoner is not actually engaged at work upon the streets and alleys of said town, he shall be confined in the lock-up at the rate of two dollars per day.

§ 5. That the marshal of the town of Eddyville shall be the keeper of the lock-up for said town, and shall have the custody and control of all persons confined therein; and shall, when ordered and directed by the board of trustees, work such person or persons upon the streets and alleys of said town; and he shall receive for said services a reasonable compensation, to be allowed and paid by the board of trustees.

Marshal keeper
of lock-up.

§ 6. That the police judge of the town of Eddyville shall have exclusive jurisdiction of all infractions of the by laws and ordinances of said town of Eddyville.

Police judge's
jurisdiction.

§ 7. That if the police judge shall, for any cause, be disqualified from presiding at the trial of any cause referred to in the preceding section, the chairman of the board of trustees of said town shall preside at said trial, and have the same powers and jurisdiction the police judge would have in like causes.

§ 8. That all acts and parts of acts in conflict with the foregoing amendments are hereby repealed.

§ 9. That all fines and forfeitures collected under the provisions of this act, except for violation of the by-laws or ordinances of said town of Eddyville, shall be paid to the trustee of the jury fund of said county, to be accounted for as other public revenues.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 7, 1888.

CHAPTER 421.

AN ACT to amend the Richmond, Union and Kentucky River Turnpike Company, Madison county.

WHEREAS, It appearing that the above named corporation, located in Madison county, runs over a hilly country, and across large streams of water, and on account of heavy freshets and high water a portion of its road-bed has been washed away ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said company be permitted to collect from persons passing through its gate, near Union City, in Madison county, half the amount of toll said road is entitled to collect by law so long as two and one-half miles of said road east of said gate is kept in good repair, and until the remainder of the road is put in good repair, at which time toll may be charged and collected as said company has a right to do by law.

§ 2. This act to take effect from its passage.

Approved March 7, 1888.

CHAPTER 422.

AN ACT to empower the Harrison county court to levy a tax for the purpose of erecting a bridge across South Licking river, at or near Boyd, in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the county court of Harrison county, a majority of the justices in commission in said county concurring therein, to levy upon all the property in said county subject to taxation for county revenue, an ad valorem tax of not exceeding fifteen cents upon each one hundred dollars of said property, and to provide for the collection

of the same; and the proceeds of said levy, when collected, shall be applied exclusively to the building and constructing a bridge over South Licking river, from or near Boyd, on R. C. R. R., to the west bank of said river, in the event said county court shall determine to erect said bridge.

§ 2. That the sheriff of Harrison county shall collect such tax as said county court may levy under the provisions of this act, and shall pay over the same when so collected to such person or persons as the court may order; and for the faithful discharge of his duties under this act, said sheriff and his sureties shall be liable on his official bond. The sheriff shall receive for collecting and paying over said tax the same rate of commission he is allowed for collecting the State revenue.

§ 3. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 423.

AN ACT to empower the Harrison county court to levy a tax for the purpose of erecting a bridge across South Licking river, at or near the residence of Mike Woods, about one mile south of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Harrison county, a majority of the justices in commission in said county concurring therein, to levy upon all the property in said county subject to taxation for county revenue, an ad valorem tax of not exceeding fifteen cents upon each one hundred dollars of said property, and to provide for the collection of the same; and the proceeds of said levy, when collected, shall be applied exclusively to the building and constructing a bridge over South Licking river, from or near the residence of Mike Woods, to the

south bank of said river, in the event said county court shall determine to erect said bridge.

§ 2. That the sheriff of Harrison county shall collect such tax as said county court may levy under the provisions of this act, and shall pay over the same, when so collected, to such person or persons as the court may order; and for the faithful discharge of his duties under this act, said sheriff and his sureties shall be liable on his official bond. The sheriff shall receive for collecting and paying over said tax the same rate of commission he is allowed for collecting the State revenue.

§ 3. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 424.

AN ACT to incorporate the town of Ford, in Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Ford be, and it is hereby, established and incorporated with the following limits, Corporate limits and boundary. area, extent and boundary, viz: Beginning at a point on the Kentucky river, in Clark county, where the incline at Riverside or J. W. Martin & Brother's mill strikes said river, and thence running down said river with low-water mark a distance of two miles, and back from said river one mile for said distance, making said town two miles long and one mile wide, and running with said river.

§ 2. That on the first Saturday in April, 1888, and Election. every two years thereafter on said Saturday, there shall be held an election in said town, at which the qualified voters then residing within said limits, Board trustees. or a majority of those voting, shall elect a board of trustees to consist of three members, who shall be qualified voters resident within said limits, who shall

have the power and be bound to discharge the duties provided in articles 2 and 3 of chapter 107 of the General Statutes of this Commonwealth, except that said board shall not have the power to levy or collect any taxes on the persons or property in said town. Said elections shall be held and conducted as in case of elections for Representatives to the General Assembly of this Commonwealth. Two judges and the clerk of said election shall be appointed by the judge of the Clark county court ten days before said election is held, and said judge shall also direct when said election may be held. The result of said election shall be certified to said county court and lodged with the clerk of said court to be kept by him. Said trustees shall take an oath faithfully to discharge their duties before some officer authorized to administer oaths, and shall continue in office from that time until their successors are duly elected and qualified. Two members of said board shall constitute a quorum. They may appoint a police judge of said town, who shall have the power and jurisdiction, and be authorized to collect the fees of the recorder of the recorder's court of Winchester in said county, and also a marshal of said court, who shall have the power and be authorized to charge and collect the fees provided by law for the chief of police of Winchester in said county. Said police judge and marshal shall hold office during the term of the board of trustees by whom they may be appointed. Said marshal shall give bond and be qualified as said chief of police is required to give bond and qualify.

§ 3. Said voters may at said election, and at each election for trustees thereafter, vote on the question of allowing the sale of intoxicating liquors in said town; and if a majority of those voting at such election are opposed to the sale of same in said town, then during the two years following such election no intoxicating, vinous or malt liquors shall be sold or given away within the limits of said town after the

Election, how held.

Officers of election.

Result certified to county court.

Trustees qualify.

Quorum.

Police judge appointed.

Vote on question of sale of liquors.

Penalties.

expiration of any license now existing for the sale of such liquors in said town; and any person or persons selling or giving away such liquor or liquors in said town during said term shall be subject to the pains and penalties now provided by law for selling such liquors without license, to be recovered as provided by law in such cases.

§ 4. This act shall be in effect from and after its passage.

Approved March 7, 1888.

CHAPTER 425.

AN ACT to incorporate the Highland and Waynesburg Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name of the Highland and Waynesburg Turnpike Road Company, and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company, viz: L. G. Gooch, John Baugh, John Butt, George Baker, E. S. Gooch and John Johnson.

§ 3. The capital stock of said company shall not exceed fifteen thousand dollars, and shall be divided in shares of ten dollars each.

§ 4. Said company is authorized to make a turnpike or macadamized road in the county of Lincoln, commencing at a point on the Stanford and Somerset dirt road, about eight miles south of Stanford, and running thence in a southwardly direction through the village of Highland to a point on the said Stanford

and Somerset dirt road, near Waynesburg, or to Waynesburg Station, the exact route to be selected by the board of directors.

§ 5. The president and directors shall be elected annually, on the first Monday in July, by the stockholders, and the officers shall consist of five directors, and they shall elect a president from their number, and shall also select a treasurer, secretary, and other officers, and shall regulate the duties of such persons, and remove them at pleasure, the directors to remain in office until their successors are elected and qualified; each share to represent one vote.

§ 6. When a sufficient amount of stock has been taken to build half or all of said road, together with the amount subscribed by the Lincoln county court, the commissioners shall notify the stockholders, who shall elect a president and five directors. Said road shall be ten miles long, but one-half, or five miles, may be built and toll collected on same before the remaining one-half or five miles are completed.

§ 7. Said corporation shall fix and locate the route for the construction of said pike, prescribe the grades and the depth and width of the metal to be placed thereon, and the mode and manner of constructing the same, and repairing same when needful; and may designate the places for toll-houses, acquire land whereon to erect the same, fix the rates of toll, regulate and change the same; but such rates shall not exceed the rates fixed by the general law; and shall also fix the width of said road.

§ 8. That the county court of Lincoln county is hereby authorized and empowered to subscribe to the capital stock of said company, not to exceed thirteen hundred dollars per mile to said road, and said court is hereby authorized to collect and levy tax for same; but no money shall be advanced by said county until the said road or one-half of it, as the case may be, is completed according to contract.

§ 9. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 426.

AN ACT to punish tramping, begging and loitering in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to be found tramping, begging or loitering about, without any visible means of support; and any person violating the provisions of this act shall be fined in any sum not less than five nor more than twenty-five dollars, or imprisoned in the county jail not less than five nor more than twenty-five days, or both so fined and imprisoned in the discretion of a jury.

§ 2. Any person found guilty under the provisions of this act, in default of payment of the fine and costs, shall be put to hard labor to work out both fine and costs, at the rate of one dollar per day, on the streets, alleys or public roads.

§ 3. This act shall take effect from its passage, and be applicable to Warren county alone.

Approved March 7, 1888.

CHAPTER 427.

AN ACT to change the boundary line between the counties of Bell and Whitley.

WHEREAS, The farm and residence of James F. Lambdin is now in Bell county; and whereas, it would be more convenient for said James F. Lambdin to exercise the rights of citizenship in the county of Whitley; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line of Bell and Whitley counties be so changed as to include the farm and

residence of the said James F. Lambdin within said Whitley county.

§ 2. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 428.

AN ACT to authorize the city of Owensboro to subscribe stock to the Vincennes, Oakland City and Owensboro Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Owensboro shall be, and are hereby, vested with power and authority, in their discretion, to subscribe any sum, not exceeding one hundred thousand dollars, to the stock of the Vincennes, Oakland City and Owensboro Railroad Company, and to pay for said stock in the bonds of the city of Owensboro, payable at thirty years after date, with interest at four per cent. per annum thereon, payable semi-annually: *Provided*, That said subscription shall be made upon the condition that said company shall agree, in writing, to run, construct and complete said railroad from Vincennes, in the State of Indiana, to Owensboro, in the State of Kentucky: *And provided further*, That the said bonds, nor the interest arising thereon as aforesaid, or any part thereof, shall become due or payable, nor be issued or delivered, until after the building and completion of said railroad from Vincennes, Indiana, to Owensboro, Kentucky, and trains are running regularly between these two points, crossing the Ohio river at or near Owensboro on a bridge to be constructed by the said railroad company or other parties; and the said stock so subscribed, and the dividends on the same arising from said road, shall stand pledged for the payment of the principal and interest of said bonds, so to be issued as aforesaid, shall be applied from time to time in the pur-

chase and withdrawal of said bonds, in such manner and under such regulations as said parties may agree to in writing.

§ 2. That no subscriptions shall be made under the provisions of this act until after the mayor and city council of Owensboro shall have made an order directing the question to be submitted to the qualified voters of said city of Owensboro, in such form and under such regulations as may be provided by said mayor and city council ; and after a submission to the qualified voters as aforesaid, if a majority of all the legal voters in said city of Owensboro shall vote in favor of so doing, then the mayor and council of said city may make such subscriptions on such conditions set forth in the ordinance authorizing the same, and not otherwise. The submission of said question, and the amount to be voted on, shall be in the discretion of said mayor and council. For the purpose of determining the number of qualified voters in said city of Owensboro, the number shall be ascertained from the number of tithes listed in said city by the city assessor at the last assessment prior to the vote herein authorized, or the said mayor and council may, in their discretion, for the purpose of ascertaining the number of qualified voters in said city, cause a registration of said voters to be made by the city assessor or some other competent person.

§ 3. That should said subscription be made and the bonds aforesaid be issued, in accordance with the provisions of the preceding sections of this act, it shall be the duty of the mayor and council of the city of Owensboro, when the road is completed from Vincennes, in the State of Indiana, to Owensboro, in the State of Kentucky, and trains are running regularly between these two points, crossing the Ohio river at or near Owensboro on a bridge to be constructed by said railroad company or other parties, to prescribe by ordinance the mode and manner of the payment of such bonds ; and may for that pur-

pose levy a tax upon the property of said city, and an annual capitation tax on each tithe or head, not less than one and not exceeding two dollars, under such rules and regulations, and collectable in such manner as they may see proper, not inconsistent with the Constitution and laws of this State: *Provided*, The mayor and council may, if they deem best, after five years from date of said subscription, pay the same; and for this purpose may levy and collect an annual ad valorem and capitation tax, as provided by this act, sufficient to pay one-fifth of said subscription and interest annually, and shall be entitled to a certificate of stock in said company for the amount thus paid; and on the full payment of the said subscription, shall be entitled to stock in the said company for the full amount subscribed and paid in; but in no event shall subscription be made or bonds issued unless a majority of all the legal and qualified voters in said city vote therefor, and said road completed from Vincennes, in the State of Indiana, to Owensboro, in the State of Kentucky, and trains are running regularly between these two points on said railroad, crossing the Ohio river at or near Owensboro on a bridge to be constructed by the said railroad company or other parties. In the issual of any bonds under this act, the right shall be reserved to said city to call in and pay said bonds, or any of them, at any time, by giving sixty days' notice of said call by publication in one of the papers in Owensboro, in the option of the mayor and council of said city; and the interest on said bonds shall cease when said bonds are called. It shall be the duty of the mayor and council to give due and reasonable notice of the election they may order under the provisions of this act.

§ 4. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 429.

AN ACT to authorize the city of Owensboro to subscribe stock to the Owensboro, Falls of Rough and Green River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Owensboro, Kentucky, shall be, and are hereby, vested with power and authority, in their discretion, to subscribe any sum, not exceeding seventy-five thousand dollars, to the stock of the Owensboro, Falls of Rough and Green River Railroad Company, and to pay for said stock in the bonds of the city of Owensboro, payable at thirty years after date, with interest at four per cent. per annum thereon, payable semi-annually: *Provided*, That said company shall agree, in writing, to run, construct and complete said railroad from the city of Owensboro to the town of Fordsville, in Ohio county: *And provided further*, That the said bonds, nor the interest arising thereon as aforesaid, or any part thereof, shall become due or payable, nor be issued or delivered, until after the building and completion of said railroad from said city of Owensboro to the town of Fordsville, in Ohio county; and the said stock so subscribed, and the dividends on the same arising from said road, shall stand pledged for the payment of the principal and interest of said bonds so to be issued as aforesaid, shall be applied, from time to time, in the purchase and withdrawal of said bonds, in such manner and under such regulations as said parties may agree to in writing.

§ 2. That no subscription shall be made under the provisions of this act until after the mayor and city council of Owensboro shall have made an order directing the question to be submitted to the qualified voters of said city of Owensboro, in such form and under such regulations as may be provided by said

mayor and city council; and after a submission to the qualified voters, if a majority of all the legal voters in said city of Owensboro shall vote in favor of so doing, then the mayor and council of said city may make such subscription on such conditions set forth in the ordinance authorizing the same, and not otherwise. The submission of said question and the amount to be voted on, shall be in the discretion of said mayor and council. For the purpose of determining the number of qualified voters in said city of Owensboro, the number shall be ascertained from the number of tithes listed in said city by the city assessor at the last assessment prior to the vote herein authorized; or the said mayor and council may, in their discretion, for the purpose of ascertaining the number of qualified voters in said city, cause a registration of said voters to be made by the city assessor or some other competent person.

§ 3. That should said subscription be made and the bonds aforesaid be issued in accordance with the provisions of the preceding sections of this act, it shall be the duty of the mayor and council of the city of Owensboro, after the completion of said road from Owensboro to the town of Fordsville, in Ohio county, to prescribe by ordinance the mode and manner of the payment of such bonds; and may, for that purpose, levy a tax upon the property of said city, and an annual capitation tax on each tithe or head, not less than one and not exceeding two dollars, under such rules and regulations, and collectable in such manner, as they may see proper, not inconsistent with the Constitution and laws of this State: *Provided*, The mayor and council may, if they deem best, within five years from date of said subscription, pay the same; and for this purpose may levy and collect an annual ad valorem and capitation tax, as provided by this act, sufficient to pay one-fifth of said subscription and interest annually, and shall be entitled to a certificate of

stock in said company for the amount thus paid ; and on the full payment of the said subscription, shall be entitled to stock in the said company for the full amount subscribed and paid in ; but in no event shall subscription be made or bonds issued unless a majority of all the legal and qualified voters in said city vote therefor, and said road completed from Owensboro to the town of Fordsville, in Ohio county. In the issual of any bonds under this act the right shall be reserved to said city to call in and pay said bonds, or any of them, at any time, in the option of the mayor and council of said city ; and the interest on any bonds called shall cease within sixty days after said call is made ; said call shall be advertised for two weeks in some newspaper published in Owensboro. It shall be the duty of the mayor and council to give due and reasonable notice of the election they may order under the provisions of this act.

§ 4. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 430.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, Campbell county," approved April 7, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Paragraphs seven and eight of section 7, chapter 531, are hereby repealed, and the following paragraphs substituted therefor, to wit :

§ 1. Said board, on or before the second Monday in April of each year, shall approximately ascertain the amount of money necessary to be used in defraying the expense of maintaining the schools, improving or constructing buildings, and so forth, thereof, and in liquidation of liabilities during the current fiscal year.

and report the same, together with the amount to be received from the common school fund of the State of Kentucky, to the board of councilmen, who shall thereupon make the necessary levy and apportionment to defray said expense and liquidate said liabilities: *Provided*, That said levy shall not in any one year exceed forty cents on each one hundred dollars valuation as returned by the Board of Equalization on the taxable property in said city, for the general purposes of conducting said schools; and said board of councilmen shall annually levy a tax of ten cents on each one hundred dollars valuation of taxable property, as returned by said Equalization Board, for the special purpose of repairing old buildings and the construction of new buildings in said city, and the payment of the interest on any bonds of said school board issued for said purpose.

§ 2. Said board of education for that purpose may anticipate said special tax by issuing bonds, not exceeding in amount the sum of fifteen thousand five hundred dollars, payable at some national bank, to be agreed upon by said board of education. The said bonds shall be of the denomination of one hundred dollars, two hundred dollars, and five hundred dollars, as said board of education may determine; they shall be called school bonds of the city of Dayton, Kentucky; they shall be numbered serially as they are issued, commencing with the number one; they shall be made payable thirty years after date of issue, with option on the part of said city to pay them, or any part of them, after ten years from their date, bearing interest from date at the rate of six per cent. ^{per} annum, payable semi-annually, when the city taxes are due. The interest as it matures, and the principal when due, to be made payable at some national bank, upon which the board of education may determine, and to be so designated in the said bonds.

§ 3. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 431.

AN ACT to amend the charter of the Chaplin River and Harrodsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act to incorporate the Harrodsburg and Chaplin River Turnpike Road Company, approved the twenty-seventh of March, 1872, be amended by striking out of said section all part thereof which refers to and makes the thirty-third section of an act to incorporate the Danville and Hustonville Turnpike Road Company, approved the first of March, 1844, a part of said fourth section, and to repeal said section to the extent of making the thirty-third section a part thereof.

§ 2. This act to take effect from day of its passage.
Approved March 7, 1888.

CHAPTER 432.

AN ACT to repeal an act, entitled "An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road Company," approved March 8, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road Company," approved March 8, 1876, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 433.

AN ACT to authorize the Lincoln county court to take stock in certain turnpike road companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The county court of Lincoln county, to be composed of the county judge and a majority of the justices of the peace of said county in commission, is hereby authorized to take stock in any incorporated company or companies which is, or are now organized, or may be hereafter organized, for the purpose of building the following-named macadamized turnpike roads in said county, viz: First. An extension of the Stanford and Hall's Gap Turnpike Road from its present terminus southwardly through the village of Highland to the Casey or the Pulaski county line, or any part of such extension. Second. An extension of the Crab Orchard and Chapple's Gap Turnpike, from its present terminus to the village of Ottenheim, or any part of such extension, and for repairing and putting in order said road. Third. For the building of a road from the Stanford and Hall's Gap Turnpike, and from a point thereon at or near to the division line between the farms of Jas. E. Lynn and Adam Pence, by way of the farm of Jno. G. Lynn to the village of Ottenheim. Fourth. For the building a road from the village of Ottenheim, down Buck creek, to the Pulaski county line. Fifth. For the building of a road from the town of Crab Orchard up Copper creek to the Rockcastle county line, or up Fall Lick creek to the Garrard county line. Sixth. For the building of a road from the Stanford and Crab Orchard pike at, or within three-fourths of a mile of Walnut Flat, to the Crab Orchard and Lancaster Turnpike, at Dix river or Drake's creek. Seventh. To build a road from the town of Stanford, at the south end of the alley between the lots of Pey-

ton Embree and Mrs. Mary Myers, to an intersection with the Stanford and Crab Orchard pike at the house of Henry N. Ware.

§ 2. The amount of stock which may be taken, as provided for by the first section of this act, shall not exceed twelve hundred and fifty dollars for each mile of the extension of the Stanford and Hall's Gap Turnpike, and for each mile of the extension of the Crab Orchard and Chapple's Gap Turnpike, and for each mile of road to be built from Ottenheim down Buck creek to the Pulaski county line, and three hundred dollars for each mile of the Crab Orchard and Chapple's Gap Turnpike to be repaired, and one thousand dollars for each mile of road to be built from the Stanford and Hall's Gap Turnpike to Ottenheim; one thousand dollars for each mile of road to be built from Crab Orchard up Copper creek to the Rockcastle county line, or up Fall Lick creek to the Garrard county line, and in addition, two thousand five hundred dollars for the building of a bridge across Dix river; eight hundred dollars for each mile of road to be built from the Stanford and Crab Orchard Turnpike to the Crab Orchard and Lancaster Turnpike, and two thousand five hundred dollars for the building of a bridge across Dix river, on the line of said proposed road, and eight hundred dollars for each mile of road from Stanford to the intersection with Stanford and Crab Orchard Turnpike at Henry N. Ware's; in addition thereto, one thousand dollars for a bridge across Logan's creek on the line of said proposed road.

§ 3. Such stock shall be subscribed by an order of said court made of record; and a majority of the members of said court voting upon any proposition for such subscription shall be sufficient to pass such order.

§ 4. No money subscribed and appropriated under this act shall be used for paying for right of way or fencing.

§ 5. For the purpose of raising a fund to pay for any stock subscribed for under this act, the county

court aforesaid is authorized and empowered to levy an ad valorem tax upon all the property of Lincoln county subject to taxation for State and county purposes. Said tax shall not for any one year exceed seven and one-half cents upon each one hundred dollars in value of the property taxed. But said court, for the purpose of enlarging its fund for this purpose, may, at any time, in its discretion, issue bonds of said county of the denomination of five hundred dollars each, bearing six per cent. interest, payable annually from the date of issue until paid, and payable at the pleasure of said court after one year, and within ten years from the date of issue. Such bonds, however, shall not be sold for less than their face value; and the aggregate amount thereof outstanding, at any one time, shall not exceed ten thousand dollars, and shall be off out of the fund arising from the tax provided for by this section.

§ 6. The building of any roads with funds of the said county provided for under this act shall be through a company or companies incorporated under the general incorporation laws of this State, and the said court may subscribe stock and advance money to such company or companies upon such terms and under such restrictions as may, in the discretion of the court, appear reasonable and proper.

§ 7. The amount of stock subscribed under this act shall not exceed ten thousand dollars for any one year.

Approved March 7, 1888.

CHAPTER 434.

AN ACT to incorporate the Barbourville and Manchester Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated for the purpose of building a turnpike road from

Manchester to Barbourville, Kentucky, under the
Corporate name. name and style of the Barbourville and Manchester Turnpike Road Company; and by that name and style shall have perpetual succession, sue and be sued, and be a body-politic and corporate, and have a common seal.

Capital stock. § 2. That the capital stock of said company shall be divided into shares of twenty-five dollars each,
Shares. and the capital stock shall not exceed seventy-five thousand dollars.

Commissioners. § 3. That John E. White, W. J. Caudill, D. K. Garrard, L. A. Byron, Dutton Jones, J. D. Jarvis, C. F. Davidson, J. H. Wilson and Greene Elliott and S. B. Dishman, be, and they are hereby, appointed com-
Open books. missioners to open books and receive subscriptions, at such times and places as they or any of said commissioners may deem expedient; and when five thousand dollars may have been subscribed to said capital stock, said commissioners, or any three of them, shall call a meeting of the stockholders, by general public notice, when the stockholders shall proceed, in person
Choose president and directors. or by proxy, to choose a president and five directors, a majority of whom shall constitute a quorum to transact business, in whom and their successors shall be vested corporate powers herein granted, in which voting and election every stockholder shall be entitled to one vote for each share owned by him.

Annual election. § 4. After the board is thus organized, an annual election of president and directors shall be held, each and every year, on the first Monday in May, in the manner as hereinbefore indicated; the said officers to hold their offices until their successors are lawfully elected and qualified. Said directors can fill all vacancies that may occur in said body, and no person shall be eligible to the office of president or director unless he is the owner, in his own right, of stock in said company.

May construct turnpike road. § 5. That said company may construct said road, or have it constructed by contract with other parties, in

a manner deemed best by said company; and should the company construct said road, they may provide that stock may be paid for in work or material, in the construction of said road, in such manner as may be agreed upon; and as soon as five thousand dollars shall have been subscribed to the capital stock of said company, and the company organized, the construction of said road may be commenced; and they may determine on what point or points on said road work shall begin; and the number of gates and rates of toll shall be the same as provided by the general laws on the subject, except that, as soon as three miles shall have been completed, the directors are authorized to erect a toll-gate across said road at any point they may select, and collect full toll from all persons traveling on said road, as now or as may hereafter be provided by law.

§ 6. The president and directors shall appoint one of their number secretary and treasurer, who shall execute bond, with approved security, and be responsible for all the company's money received by him, and shall pay out the same as provided by the president and directors, and keep an account of all his transactions; and the board of directors shall keep a fair record of their proceedings, which, at all times, shall be open to the inspection of the stockholders.

Secretary and treasurer.

§ 7. That said board of directors shall have all the rights, powers and privileges, and may do all acts and things necessary for letting, contracting, completing, and managing said turnpike road; and may locate same and determine its width and grade on such route or routes as they deem proper, subject to section 1 of this act.

Powers, rights and privileges of directors.

§ 8. All stock subscribed shall be paid at such times and in such manner as may be indicated by the board of directors.

§ 9. That the directors of said company shall have power to employ all needful superintendents and engineers, and make surveys, and order any routes

Superintendents and engineers.

deemed expedient by them surveyed; and acquire, by contract, the right of way for said road, and the material for building same; and in case a satisfactory agreement can not be made for right of way, they may apply for a writ of *ad quod damnum*, and have lands, gravel beds, quarries and timber condemned, according to the general laws upon the subject. They shall have power to enter upon any lands to survey, to survey out said road, and to examine any gravel pit, quarry or timber necessary for constructing or repairing said road. And they shall have the right to use any county or State road for the purpose of constructing said turnpike; and said State or county road may be used by said company as the road-bed for said turnpike, and to condemn the same the writ of *ad quod damnum* shall not be necessary.

Right of way.

Condemnation.

Materials.

§ 10. That if any person shall go around any toll-gate on said road with intent to avoid the payment of toll, he shall be fined ten dollars, to be recovered by warrant, before any justice of the peace, for the benefit of the company.

§ 11. That the counties of Knox and Clay, or either of them, may take stock in said turnpike, but not to exceed ten thousand dollars each.

§ 12. The directors shall have all the powers and privileges allowed turnpike road companies by law, that may be necessary to enable them to construct and operate said road.

§ 13. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 435.

AN ACT to incorporate the Grand Avenue and Park Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Samuel Shaw, Henry Stagemann, Flo. Miller, Wm. K. Boal, R. W. Nelson and Samuel Bigstaff, be, and they are hereby, created a body-corporate, with perpetual succession, and power to sue and be sued in the corporate name; to have a common seal and the same to change at pleasure.

§ 2. The corporate name shall be "Grand Avenue and Park Company."

§ 3. Said company shall have a capital stock in any amount which may from time to time be fixed by the board of directors, not, however, exceeding the sum of fifty thousand dollars, which shall be divided into shares of one hundred dollars each, for which certificates may be issued, signed by the president and treasurer, and when so issued, shall not be assignable so as to affect said corporation in any way, except upon the books of the company. The private property of stockholders shall not be liable for any of the corporate debts.

§ 4. The affairs of said company shall be managed and controlled by a president, secretary, treasurer, superintendent, and a board of six directors. The said directors shall be elected annually, at a regular meeting of the stockholders of the company, to be held at the office of the company in Newport, Campbell county, upon the first Monday in January of each year. At such meetings every stockholder, whose stock stands in his name upon the books of the company, shall, in person or by written proxy, be entitled to cast one vote for each share of stock so held by him. A majority of the votes cast shall be sufficient to elect; but if a majority of the

shares of the stock are not cast, the polls must remain open for voting at least three hours. The president, secretary, treasurer, superintendent, and all agents and servants or employes, shall be elected and chosen by the board of directors; and a director may hold any of said offices, and at board meetings only directors may vote; except, when the presiding officer is not a director, he may vote if he chooses, in case of a tie. The board of directors shall meet at such place or places in said county, and at such times as they may fix from time to time, and the duties of said directors and officers shall be those usual to such offices.

§ 5. Said company may acquire, by any lawful means other than condemnation, the property, rights, and franchises of a corporation created in Campbell county, under the provisions of chapter 56 of the General Statutes, by the corporate name of the Grand Avenue and Park Company; and said corporation may convey said property, rights, and franchises to the corporation hereby created; and when it shall have done so, the said company, created as aforesaid under said general laws, shall, by said act of conveyance, be dissolved and shall cease to exist. In the purchase of said property, rights, and franchises this company may give in payment therefor its capital stock at not less than par.

§ 6. The corporation hereby created may consolidate with any other turnpike road company having a road in Campbell county, or may acquire any road of any other company in said county by lease, purchase, or other lawful means other than condemnation; and when so acquired, all the rights and privileges granted by this charter shall extend over such roads so acquired.

§ 7. This company may also, by consolidation, sale or other lawful means other than condemnation, sell and convey, to any company or companies authorized to purchase the same, or to consolidate with it, all or

any part of its property and the rights and franchises appurtenant thereto by this charter.

§ 8. Nothing contained herein is in any way to affect the right of this company, in addition to the rights and privileges herein given, to all the rights and privileges given turnpike companies under chapter 110 of the General Statutes of Kentucky, nor to the benefit of an act, entitled "An act to authorize turnpike roads to make certain contracts with each other," approved May 6, 1880. (Volume 2, page 1166, Session Acts of 1879.)

§ 9. This company may acquire, by purchase or lease, all lands necessary for toll-houses, residence of employes, and for construction and maintenance of way, and may sell the same or any part thereof when it sees fit; but for each toll-house it shall acquire not more than ten acres, and for stone quarries and obtaining material as aforesaid not more than one acre adjacent to each mile of road-way, and for residence of employes not more than one acre adjacent to each mile of road-way. The title to said lands may be so acquired and conveyed in fee-simple.

§ 10. If this company should purchase the property of said Grand Avenue and Park Company, organized under chapter 56 of the General Statutes as aforesaid, it may sell and convey, by deed of general warranty, free of all easement or claim as a public highway, the toll-house and lot on said road near the city of Newport, with a strip of ground in front of said house not more than five feet wide, to be measured from the front wall of said house.

§ 11. Said company may erect toll-houses, or houses for residence of employes, and all necessary out-houses, upon its right of way, but not so as to obstruct or interfere with public travel thereon.

§ 12. Said company may collect tolls over its road or roads in accordance with the provisions of chapter 110 of the General Statutes of Kentucky; and in the collection thereof shall have all the remedies

therein provided, and shall be subjected to all the pains and penalties therein imposed.

§ 13. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 437.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the police court of Elizabethtown," approved May 10, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be, and the same is hereby, amended so as to require the police judge of said Elizabethtown to be elected at the same time, place, and in the same way that the trustees of said Elizabethtown are now required by law to be elected; and said police judge shall hold his office for two years, and until his successor is elected and qualified.

§ 2. And that sections eight, nine, ten and eleven of said act are hereby repealed.

§ 3. This act shall not apply to cases pending in said police court at the time of the passage of this act.

§ 4. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 438.

AN ACT to charter the Cottageville and Rectorville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-corporate and politic be, and it is hereby, created and authorized to be formed and

organized, under the name and style of the Cottageville and Rectorville Turnpike Road Company.

§ 2. That said corporation is authorized and empowered to construct, keep up, and maintain a turnpike road, from a point on the Cabin Creek Turnpike Road at or near Cottageville, in Lewis county, up Brown's run and the right-hand branch thereof, crossing the line between Lewis and Mason counties, to a point on the Lewis and Mason Turnpike Road, at or near Rectorville, in Mason county; and to this end said corporation is authorized and empowered to take possession of the county road now running from Cottageville to Rectorville along said route, if it sees fit to do so, and to build its turnpike road in, along, and upon same or any portion thereof.

§ 3. That there is conferred on said corporation all the powers conferred by the General Statutes upon corporations organized under and in pursuance of the provisions thereof.

§ 4. That the capital stock of said corporation shall not exceed five thousand dollars, to be divided into shares of twenty-five dollars each.

§ 5. That when private stock to the amount of (\$400) four hundred dollars per mile has been subscribed by responsible parties, and said road built according to the report and specifications of a competent engineer—said engineer to be selected by the Lewis county court and the board of directory jointly—the Lewis county court is hereby authorized and empowered to subscribe stock in said company to an amount not exceeding (\$1,000) one thousand dollars per mile of said road, lying within the limits of Lewis county, and payable in the bonds of said county; and the Mason county court may subscribe stock in said company in accordance with the order of its court of claims on the subject of subscribing stock to turnpike road companies.

§ 6. That William H. Gray, John H. King, T. Jeff. Tully, William McNutt and James H. McClure, are

hereby nominated as corporators to secure subscriptions to the capital stock, and perform such other duties as are usually performed by corporators.

§ 7. That as soon as twenty-five hundred dollars are subscribed to the capital stock of said corporation it may be organized and commence business.

§ 8. That the officers of said corporation shall be a board of five directors, who shall choose one of their number to act as president; said directors to be elected as soon as ready for organization, and to hold their offices until the first Saturday in April thereafter, and until their successors are chosen and qualified; and thereafter they shall be chosen annually on the first Saturday in April of each year, for the term of one year, and until their successors are chosen and qualified. They shall each of them be a stockholder, and be chosen by the stockholders. Before proceeding to act, they shall take an oath before some officer authorized to administer oaths to faithfully perform their duties.

§ 9. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and remove them at pleasure. Said treasurer shall give bond, with good security, to account for all moneys that comes into his hands and for the faithful performance of his duties. Said president and directors may appoint a superintendent or agent to superintend the construction of said road and its maintenance afterwards, and gate-keepers and such other employes as they may deem necessary.

§ 10. The said company may receive releases of right of way for said road, and ground for rock quarries, stone, material and toll-houses, by consent or purchase; and if they deem it necessary, they may proceed in conformity to existing laws of this State to condemn land for right of way over which said road may be located, and ground for toll-houses and toll-gates and rock quarries.

§ 11. That as soon as the road is completed said corporation may proceed to collect tolls, and in so doing shall be governed by the rates prescribed in the General Statutes; and they may erect toll-gates at such points along said road as they deem best for that purpose.

§ 12. That this act take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 439.

AN ACT to amend charter of Cabin Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Cabin Creek Turnpike Road Company, approved March 4, 1869, be, and the same is, amended as follows: Said company is authorized and empowered to construct a branch road, to lead from a point on the present line of said Cabin Creek Turnpike Road, at or near the mouth of Clear creek, in Lewis county, Kentucky; thence up said creek to the house of John J. Deatley; thence the most direct and practicable route to the town of Tollesboro, the same to be known as the Clear creek branch of the Cabin Creek Turnpike Road.

§ 2. That in all elections of president and board of directors for said Cabin Creek Turnpike Road Company, at least one member of said board be a resident on the line of said Clear creek branch road, who shall represent the interest of said branch road at all meetings of the board, and shall furnish, in writing, to said board all estimates of said branch road, and written certificates of the justice and correctness of all claims against the same, with an itemized statement of account thereof.

§ 3. That the entire proceeds realized from tolls or otherwise on said branch road shall be exclusively applied to the use and benefit of said branch road, and which, when collected, shall be paid monthly to the treasurer of the Cabin Creek Turnpike Road Company, and by him held as a separate fund to the separate credit of said branch road for the purposes aforesaid, and to be paid out by him only upon the orders of the board, based upon the certificate of the member of the board whose duty it is made by this act to represent said branch road. And the said treasurer shall execute a separate bond, with good security, as provided by the act to which this is an amendment; and he shall make a separate annual report of his receipts and disbursements on account of said branch road, with duly authenticated vouchers supporting the same. That no debt or expense now incurred, or that may hereafter be incurred, on account of the main line of said Cabin Creek Turnpike Road, or any branch or branches thereof, shall be, either directly or indirectly, chargeable to said Clear creek branch road, nor any debt or expense of said branch road shall be, either directly or indirectly, chargeable to the account of said main line; but it is expressly enacted that each stand only charged with their separate liabilities, and each be entitled exclusively to the proceeds realized by them separately.

§ 4. In the construction of said road so far only as the same relates to the width of the road, as also the width, depth and character of metal thereon, the company shall be governed by the same rules, specifications and requirements as in the construction of the main branch of said road.

§ 5. That when said road shall have been completed a toll-gate may be erected thereon, at such point as the board may deem best, and the rates of toll thereon shall be those now prescribed by the General Statutes of Kentucky, chapter 110.

§ 6. When private stock has been subscribed to the amount of three hundred dollars per mile by responsible parties, the Lewis county court may subscribe stock to said branch road to an amount not exceeding one thousand dollars per mile of said road, payable in the bonds of said county on the completion of each mile, according to the specifications of a competent engineer.

§ 7. That sections 13, 14, 15 and 16 of the act to which this is an amendment is expressly excepted from the operation of this amendment, and shall have no force or application whatever to the construction, management or conduct of said branch road.

§ 8. That this act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 440.

AN ACT to close a part of F street to a point two hundred feet east of Brook street, near the city of Louisville, in Jefferson county.

WHEREAS, The land in Jefferson county, Kentucky, lying and binding on both sides of F street, extending in width from the east line of First street to an alley two hundred feet east of Brook street, and extending in depth from E street southwardly to Shipp avenue, is, and always has been, farm and pasture land under fence, and has never been opened to the public, or claimed by the public in any way; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the person or persons owning the property in Jefferson county, Kentucky, fronting on F street from the east line of First street to a point two hundred feet east of Brook street, to close said portion of F street, together with that por-

tion of Brook street, which, intersecting said F street, runs from E street southwardly to Shipp avenue. It shall also be lawful for said property-owner or owners on the alley between First and Brook streets, running from said F street northwardly to E street, to close said alley; and whenever any person owning the property abutting on said portion of F street, or on said portion of Brook street, or on said alley, or any part thereof, shall desire to close the same, or any part thereof, he or they shall evidence such consent by writing, which, when having been acknowledged as a deed and recorded in the office of the clerk of the Jefferson county court, shall close said street or streets or alley, or so much thereof as shall be embraced in said recorded writing; and when thus closed the ground theretofore designated as parts of said street or alley shall belong to the owners of the property abutting on either side thereof, in proportion to the land owned by them respectively and abutting thereon.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1888.

CHAPTER 441.

AN ACT to prohibit stock from running at large in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person or persons owning or having the care, control or possession of any horse, mule, jack, jennet, sheep, hog or other stock or cattle of any kind or description, to suffer or permit the same to run at large in Marshall county off of the premises of such person or persons, or the premises which may be in the possession or under the control of such person or persons, after the pro-

visions of this act take effect in said county as hereinafter provided; and any person or persons so offending shall be punished as hereinafter provided.

§ 2. Whenever any stock of the kind named in the first section of this act shall be found running at large in said county, it shall be the duty of the sheriff or his deputies, or the coroner, jailer, or any constable of Marshall county, or the marshal of any town in said county, to seize upon, impound or confine said stock, and provide for their feeding and safe-keeping until the owner or owners of such stock shall have redeemed them by the payment of all fees and costs of every kind incident to such seizure, feeding or keeping of same.

§ 3. If any stock referred to in section 1 of this act shall be found roaming at large upon the premises, or trespassing upon the premises, possession or inclosure of any person other than the owner of such premises, possession or inclosure, in said county, after the provisions of this act shall be adopted as hereinafter provided, shall be liable for all damages done by said stock, and for the cost incident to such trespass, damage or impounding, recoverable before any court of competent jurisdiction, regardless of the fact whether or not such premises be inclosed by a lawful fence; and the party injured shall have a lien upon the stock so trespassing or doing injury for all damages sustained, the cost and fees, which lien may be enforced in any court of competent jurisdiction.

§ 4. For the taking of stock as herein provided, the officers shall be entitled to the following amounts: For each horse, jack, jennet, mule, colt, bull, cow, steer, heifer or calf, fifty cents; for each hog, pig, sheep or other cattle, twenty-five cents; and such compensation as may be allowed for selling said stock when ordered or adjudged to be sold.

§ 5. Any person finding stock upon his premises, or premises under his control, shall have the right to

take and hold the same as an estray is now taken up and held under the laws of this State.

§ 6. In cases where lands or farms are lying contiguous, and there being a partition or division fence between them, the provisions of the General Statutes in such cases shall govern and remain in full force.

§ 7. It shall be the duty of the owners of lands to continue and maintain their fences along the highways and public roads in said county, so that stock can be driven along or over said highways; and should such owner of the lands along said highways fail to do so, then they shall not be entitled to any damages done by such stock while being driven over said highway or public road, either to market or from one place to another.

§ 8. Any officer mentioned in this act, whose duty it is to seize and impound said stock running at large or trespassing on the lands of another in violation of this act, who shall fail to take up said stock or perform his duties as prescribed by this act, shall be subject to a fine of not less than ten nor more than one hundred dollars for each offense.

§ 9 Any person who shall knowingly suffer or permit any such stock as mentioned in the first section of this act to run at large or trespass upon the lands of another, as provided in section 1 of this act, shall be deemed guilty of a misdemeanor, and, in addition to the damages herein provided for, be subject to a fine of not less than twenty dollars nor more than one hundred dollars.

§ 10. This act shall not take effect or be in force until the same shall be voted for and ratified by the qualified voters of Marshall county as hereinafter provided.

§ 11. It shall be the duty of the county judge of said county, upon the written petition of at least thirty legal voters of said county, at the next regular term of his court after he receives said petition, to make an order upon his order-book, directing a poll

to be opened at the various election or voting precincts in said county, at the next regular State or county election therein, for the purpose of taking the sense of the legal voters in said county upon the provisions of this act; and if it appear that a majority of all legal voters of said county voting at said election are in favor of the provision of this act, then the same shall be in full force and effect; otherwise, the same shall be of no effect.

§ 12. For the purpose of taking the sense of the legal voters of said county on the provisions of this act, it shall be the duty of the officers of the election held, when the question herein provided for may be voted on, to open a poll at each and the various voting precincts in said county, and to propound to each voter, who may vote at such election, the question, "Are you for or against stock running at large in Marshall county?" and to register his vote for or against the same as given by said voter; but if any voter voting at such election shall fail or refuse to vote upon said question, then he shall be recorded as voting against the same; and to this end it shall be the duty of the officers of such election to prepare suitable poll-books with two columns, one headed "For stock law," the other "Against stock law." The vote shall be certified and returned, examined and compared, as required by law for the election of county officers.

§ 13. It shall be the duty of the sheriff of said county, at least twenty days before the day the vote shall be taken as provided herein, to advertise said election by written or printed handbills, in at least two public places in each voting precinct in said county, and at the court-house door in the town of Benton for at least thirty days before said election.

§ 14. The county judge of said county shall not make the order for said election until the persons signing said petition have deposited with him money sufficient to pay for printing or posting advertisements

as provided for and the fees of the clerk for making entries on the order-book and other legal fees ; but the court of claims of said county may allow to said petitioners said expenses, in its discretion, at the next regular term thereafter.

§ 15. The vote provided for in this act shall not be taken oftener than once in every two years.

§ 16. This act shall take effect and be in force from and after its passage.

Approved March 7, 1888.

CHAPTER 442.

AN ACT to incorporate Golden Rule Lodge, No. 35, Knights of Pythias, of Ashland, Boyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John M. Hutton, I. N. Pollock, E. C. Roll, Anton Schmauch, John Wittig, J. M. Ferguson, J. C. Miller, Charles Walker, F. H. Bruning, P. C. Montague, W. W. Patterson, Chas. H. Crawford, C. T. Baxter, Hugh Russell, and H. M. Messimer, their associates and successors, shall be, and they are hereby, created a body-corporate and politic, by the name and style of "Golden Rule Lodge, No. 35, Knights of Pythias," and they and their associates and successors shall so constitute, continue and have perpetual succession, and by that name are made capable in law as natural persons to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts in this State ; to have and use a common seal, the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution or laws of the United States or of the

State of Kentucky, or of the Constitution and laws of the Grand Lodge of the Knights of Pythias of the State of Kentucky.

§ 2. That said corporation shall have power and authority to acquire and hold real and personal property, not to exceed thirty thousand dollars in value, and to lease, build or purchase such house or houses as from time to time they may deem expedient; may sell and convey any real or personal property they may own, and reinvest and dispose of its proceeds in conformity with such ordinances as they have and may ordain, subscribing the corporate name and affixing the seal of lodge.

§ 3. They may borrow money not exceeding ten thousand dollars, and may secure the payment of the same by mortgage on its property or otherwise, and on such time as they may deem expedient.

§ 4. The individual property of the members of this lodge shall not be responsible or liable for the debts of this corporation.

§ 5. In all legal proceedings against this corporation, service of process on the chancellor commander of this lodge shall be deemed sufficient.

§ 6. This act shall take effect from its passage.

Approved March 7, 1888.

CHAPTER 443.

AN ACT to incorporate the Bank of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established in the city of Henderson a body-corporate and politic, by the name and style of "Bank of Henderson," the stockholders of which, their successors and assigns, shall have perpetual succession, and by that name may sue and be sued, make contracts with or with-

out seal, but may have and use a common seal and alter the same at pleasure. It may purchase, hold, use, sell and convey such real and personal property as may be necessary to carry out the legitimate purposes of its creation; and that may, in the usual course of business, be taken or purchased in satisfaction of any debt due to said bank; but real estate taken in payment of debts must be disposed of within five years.

§ 2. The affairs of said bank shall be controlled by

Board directors. a board of not less than five nor more than nine directors, to be elected as hereinafter provided. Said board of directors shall annually elect one of their

Officers. number president, and they may also elect or employ a vice-president, cashier, teller, and such other officers, agents and servants as their business may require, and prescribe their duties and fix their compensation.

By-laws. They may adopt by-laws, rules and regulations, for the government of said bank and its business, and have such other powers and perform such other duties as are common to boards of directors of like institutions, not inconsistent with this charter or the laws of the country. No person shall be qualified to act as director unless he be a resident of this Commonwealth and the *bona fide* owner in his own right of at least five shares of the capital stock of said bank. The said board of directors may require bond and security of its president and other officers, and the said president, directors and other officers shall, before entering upon the discharge of their duties, take an oath to faithfully and honestly discharge the same. The board of directors shall keep a record of all their meetings, proceedings and orders. Vacancies in the board shall be filled by a vote of those remaining in office. The stockholders, at any regular meeting, may change the time of electing directors; but said elections shall not be held at longer intervals than one year.

Officers give bond.

Board directors keep record and fill vacancies.

§ 3. The capital stock of said bank shall be not less Capital stock. than fifty thousand (\$50,000) dollars nor more than five hundred (\$500,000) thousand dollars, to be divided into shares of the par value of one hundred (\$100) Shares. dollars each, and may be transferred in such manner as may be provided by the board of directors.

§ 4. The following persons, namely, John H. Barret, Commissioners. Jr., S. K. Sneed, Malcolm Yeaman, James E. Rankin, B. G. Witt, James R. Barret, L. C. Dallam, R. H. Soaper, Harry Soaper, C. L. King, Jno. H. Hodge, E. B. Newcomb, W. W. Shelby, Edwin Hodge, Nick Becker, Isaac Mann, Geo. G. Ellis, John Reichert, Jno. A. Powell, Geo. B. Martin, N. Royster, Geo. W. White, C. W. Johnson, T. W. Priest, and Jno. R. Wilson, or any seven or more of them, are hereby authorized and empowered, at such times and places as they may agree upon, to open books for and receive Open books. subscriptions to the capital stock of said bank; and When organize. when five hundred (500) shares or more shall be subscribed, the subscribers may meet and elect a board of directors, who shall serve until the first Monday in May thereafter, and until their successors are qualified; and on the first Monday in every May thereafter the stockholders of said bank, either in person or by proxy, shall elect directors, who shall continue in office for one year, and until their successors are elected and qualified. Special meetings Special meetings of the stockholders may be called by the directors when they deem it advisable, or by any number of stockholders representing one-third of the stock. In all meetings each stockholder shall have one vote for each share of stock he or she may own; but in no case shall any stockholder have a vote who has made default in the payment of any call that has been made upon his subscription of stock. The first meeting of stockholders herein provided for may designate the time and manner in which subscriptions of stock are to be paid.

§ 5. The business of said Bank of Henderson shall Business of corporation. be, and it shall have the right, to receive money and

currency on deposit upon such terms as may be agreed upon; to loan money upon such security as may be taken; to discount, buy and sell gold and silver, stocks, bonds, bills of exchange, and other evidences of debt; to make advances on approved securities and upon the agricultural and other products of the country; to receive bonds, stocks, warehouse receipts, and written evidence of the ownership of produce and merchandise in pledge for the payment of money, advances, or debts owing to it, and to do a general banking business. Infants and married women may deposit in said bank in their own name, and their checks or receipts shall be valid.

Concerning bills
and notes.

§ 6. All bills of exchange and promissory notes made negotiable and payable to said bank, and all bills of exchange and promissory notes made negotiable and payable at any bank chartered by this Commonwealth, or that may be organized under the laws of the United States, and discounted by or sold to said Bank of Henderson, shall be placed on the footing of foreign bills of exchange, and remedy had, jointly and severally, against the principals, securities, drawers, acceptors, and indorsers, and any one or more of them, except that in no case shall damages be had as on a foreign bill of exchange.

Collaterals as
security.

§ 7. In any case where said bank may receive collaterals for the security of any debt owing to it, the person pledging such collaterals and the bank may enter into a written agreement, to the effect that if such debt is not paid at maturity or by a specified time thereafter, the said bank shall have the right to sell and pass the title to any collateral so pledged at such time, place and manner, and upon such terms as may be specified in said written agreement, and to apply the proceeds to the payment of the debt for which the pledge was made. But in no case shall such sale be made until the owner of such collateral shall have had at least twenty days' notice mailed to him, nor until such notice shall have been published by insertions in

some paper published in the city of Henderson. And in no case of such sale shall said bank be held responsible, except for honest and fair conduct, and a proper appropriation of the proceeds of such sale.

§ 8. The said bank may, from time to time, declare Dividends. dividends of its profits in such amounts as the board of directors may determine, which shall be paid or passed to the credit of the shareholders in proportion to the stock held by them respectively. But the board of directors shall, before each dividend is declared, set apart not less than five per cent. of the net profits as a surplus fund, until such surplus fund shall amount to at least ten per cent. of the whole capital stock.

§ 9. This act shall be in force from and after its passage, and continue in force for thirty years.

Approved March 8, 1888.

CHAPTER 444.

AN ACT for the benefit of G. P. Jolly, trustee of the jury fund of the Breckinridge circuit court.

WHEREAS, In the case of Commonwealth vs. J. J. Jones, tried in October, 1887, in the Breckinridge quarterly court, before a jury, said trial lasting two days, the judge of said quarterly court, not knowing of the repeal of the act approved March 18, 1876, page 377, General Statutes, made an order upon the trustee of the jury fund to pay them, the said jurors, in said case; and whereas, the Auditor of Public Accounts refuses to allow credits for said sum so paid; and whereas, the said defendant in the case of Commonwealth vs. J. J. Jones was fined in the sum of one hundred and sixteen dollars, and has executed a replevin bond for same, with good and sufficient security; and whereas, said order of allowance was made in the most perfect good faith, and after con-

sultation with leading attorneys at Hardinsburg who advised that it was proper to make said order; now, in order to do justice, and to save the said G. P. Jolly, trustee as aforesaid, from loss, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That as soon as the replevin bond hereinbefore referred to is paid, that the said G. P. Jolly be authorized to reimburse himself in the amount paid by him to said jury—forty-eight dollars.

§ 2. That the Auditor of Public Accounts be authorized and directed to allow the said G. P. Jolly a credit for the sum so paid to the jury.

§ 3. That this act shall take effect from and after its passage.

[Became a law without the approval of the Governor March 7, 1888.]

CHAPTER 445.

AN ACT to furnish reports of appellate court to county clerk, circuit clerk and county judge of Carlisle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to procure and furnish to each of the offices of county clerk, circuit clerk, and county judge of Carlisle county, a full and complete set of the reports of the Court of Appeals of this Commonwealth: *Provided*, No one volume shall cost more than five dollars.

§ 2. That this act take effect from and after its passage.

[Became a law without the approval of the Governor March 7, 1888.]

CHAPTER 446.

AN ACT for the benefit of W. B. Bullock, sheriff of Owsley county.

WHEREAS, W. B. Bullock, sheriff, and collector of the revenue of Owsley county, Kentucky, for the year 1887, was sick and unable to attend to the duties of his office during the month of August, September, and October of 1887; and whereas, Owsley county being a small mountain county, with about twelve hundred tax-payers, the said Bullock was doing all the collecting of taxes himself, and had no deputy to assist him; and whereas, the people of Owsley county were visited by a contagious fever, called by the doctors typho-malaria fever, during the summer and fall of 1887, which was unsurpassed in the history of the county, and there was scarcely a home in the county but what was visited with either death or sickness; and whereas, said W. B. Bullock, in consequence of said sickness of himself and the people of Owsley county, was unable to collect and pay over to the Treasurer of the State the revenue due the State from said county, on or before the first day of November, 1887; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Bullock, sheriff of Owsley county, be given until the first day of May, 1888, to collect and pay into the State Treasury the balance of the revenue due from him as sheriff of said county for the year 1887.

§ 2. *Provided*, Said Bullock shall pay into the Treasury all the balance of the revenue due from him as sheriff of Owsley county, for the year 1887, by the first day of May, 1888. He shall not be charged with the six per cent. penalty allowed by law against sheriffs who fail to pay the revenue into the Treasury on or before the first day of November. Neither shall said W. B. Bullock have the right to

collect said six per cent. penalty from the taxpayers of Owsley county, who pay their tax on or before said date.

§ 3. This act to take effect from and after its passage.

[Became a law without approval of Governor March 7, 1888.]

CHAPTER 447.

AN ACT for the benefit of J. H. Rogers, sheriff of Bullitt county.

WHEREAS, J. H. Rogers, sheriff of Bullitt county, inadvertently failed to execute a bond for the collection of the revenue of said county for the year 1888 on the first Monday in January, 1888, as required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the said J. H. Rogers to execute said bond within fifteen days after the passage of this act; and that said bond, when executed and approved by the Bullitt county court, shall have the force and effect as if executed on the first Monday in January, as required by law; and the obligers on said bond shall, in every way, be bound to the Commonwealth of Kentucky just the same as if said bond had been executed by them on the first Monday in January, 1888.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 448.

AN ACT to change and fix the time of making the levy for taxes in
McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the court of claims for McCracken county shall make its levy for taxes due the county at its March term in each year.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 449.

AN ACT to incorporate the Richmond, Nicholasville, Irvine and Beattyville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. W. B. Smith, H. B. Dillingham, W. O. Che-
nault, W. T. B. Williams, E. M. Pryse, Jno. H. Welch,
Ben. M. Arnett, and C. E. Smith are hereby created a
corporation, to be known as the Richmond, Nicholas-
ville, Irvine and Beattyville Railroad Company; and
by that name shall have perpetual succession, and be
capable of suing and being sued, contracting and be-
ing contracted with; to have a common seal, and alter
the same at pleasure; to acquire, hold and transfer
all real and personal property, and do all other things
which may be necessary to facilitate the operation of
a railroad.

Incorporation
and names of
incorporators.

§ 2. That the capital stock of said company shall
be any sum not exceeding thirty thousand dollars per

Capital stock.

mile, and shall be divided into shares of one hundred dollars each, and may be subscribed for by individuals, railway companies or other corporations chartered by the laws of said State.

When company
may organize.

§ 3. Whenever two hundred shares of the capital stock of said corporation shall have been subscribed for, the subscribers, or a majority of them, may meet in either of the counties hereinafter named through which said railroad may run, and shall elect a board of directors, which may consist of any number not less than five nor more than fifteen; and as soon as said board of directors shall have been elected, they may choose from among their number a president and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company as they may deem proper.

Annual election
of directors.

§ 4. The board of directors so elected shall retain their offices until the first annual election, and the annual election of the board of directors of said corporation shall be held on the first Tuesday of May in each and every year, unless changed by a vote of the stockholders; stock may be voted by proxy or in person. The board of directors may fill any vacancy occurring in their number; and five, or a majority, shall constitute a quorum for the transaction of business; at all meetings of the stockholders, each share of stock shall be entitled to one vote. The capital stock of said company is hereby declared to be personal property, and said company may issue certificates, transfer and register the same, in such manner and at such place as may be ordered by the board of directors of said company.

Right to build
railroad and
route.

§ 5. The Richmond, Nicholasville, Irvine and Beattyville Railroad Company is hereby authorized and empowered to locate, construct, maintain and operate a single or double track railway and telegraph

lines, depots, sidings, switches, such as may be necessary to run any railroad from a point on the Jessamine county line adjoining Woodford county, near Keene, in the county of Jessamine, and thence on through Nicholasville and Madison county to Richmond, and thence through the counties of Estill and Lee, or by the most practicable route to a point at or near Beattyville, on the forks of the Kentucky river, and is authorized to acquire and hold all lands necessary for the construction and operation of said line of railway, and may condemn such lands under the general laws of this State, and as may be required in the judgment of the board of directors, for the operation and maintenance of said railroad; said corporation may consolidate with any other railroad organized under the laws of the State of Kentucky. It may also sell or lease its line of railroad upon such terms as may be agreed upon by a majority of the stockholders of said company: *Provided*, That by consolidating with another railroad this company shall not acquire any powers inconsistent with these granted in this act, nor shall the company with which it consolidates be permitted to ask any further subscriptions from the counties herein named, nor from any other county, city, town or precinct in this State, for the purpose of building a railroad through said counties; and if this corporation shall consolidate with any other company that has already obtained a subscription on this line from either of said counties, then the consolidated company shall not be permitted to collect but the one subscription. And if either of the counties of Madison or Jessamine shall vote a subscription under the enabling acts, approved respectively February 15, 1888, and February 16, 1888, then it shall be unlawful for such county to vote any subscription under this act; and if either of them shall vote any subscription under this act, then it shall be unlawful

for such county to vote any subscription under its said enabling act.

§ 6. The said railroad company shall issue and sell the bonds of said company, to be of such denominations as may be fixed by the board of directors, to an amount not exceeding thirty thousand dollars per mile, from each of the terminal points herein named; said bonds may bear any interest, not exceeding six per cent., with coupons attached, made payable as the board of directors may determine; may run not exceeding forty years, and to secure payment thereof the said company may execute a mortgage or deed of trust conveying its railroad and all other property and franchises to the trustee or trustees. It may make contracts with any other corporation, company or individual for constructing and equipping its railroad or any part thereof, and may make payment for the same in stock or bonds of said company in such manner as the board of directors may deem best for the interest of said corporation. It shall be lawful for any incorporated city or town through which said railroad runs to donate or lease to the said railroad a right of way for single or double tracks through said town or any portion thereof.

§ 7. Said railroad company shall have the power and authority to erect bridges over such streams as its line may pass, and may have highways for wagon, foot and horse traffic, and may make such charges for the use of the same as may be reasonable and proper. It is also authorized to take and receive subscriptions to its capital stock in land lying in any county through which the road may be located, and may receive such lands in the name of a trustee or otherwise, and dispose of the same.

§ 8. It shall be lawful for any county through which said railroad shall run to subscribe to the capital stock of said railroad company in the following manner, and pay therefor in the negotiable bonds of said county, running not more than thirty years, and

bearing interest at any rate not exceeding six per cent. per annum, payable semi-annually, which bonds and coupons shall be payable at a place designated therein. Whenever application shall be made to the county court by a petition of fifty resident tax-payers, requesting that the question of subscribing to the capital stock of the said railroad company, upon the terms and conditions set forth in said petition, be submitted to the vote of the legal voters of the said county, it may be lawful, in their discretion, for the county court to order an election to be held in such county, on the day named therein, to ascertain the wishes of the legal voters thereof upon the question of making such subscription, and to cause notice thereof to be published in such county, in a newspaper published therein, or by printed notice to be posted at the court-house door in such county, or such other public places as the order may direct, giving not less than ten days' notice of said election; and at said election votes shall be received for the railroad subscription and against the railroad subscription. Officers of said election shall be appointed to hold said election, and make return thereof to the county judge in the manner provided in ordinary county elections: *Provided*, That if petition prescribing more than one series of terms and conditions of subscription shall be submitted to said county court, the said court may select such terms and conditions as it may deem best, or it may prescribe, in its order of election to be submitted to the voters of said county, such terms and conditions of subscription to the capital stock of said railroad company as said court may deem proper.

§ 9. As soon as may be thereafter, the county judge of said county, together with the county clerk, shall canvass said vote and determine if a majority of the legal votes cast were in favor of said subscription; and if they were, the county judge shall thereupon enter an order subscribing in behalf of said county to the capi-

Canvass of vote
and how counted

tal stock of said railroad company, in accordance with the terms of the proposition so voted on, and he shall thereupon cause to be prepared and executed the negotiable bonds of such county as before mentioned, which shall be signed by him as county judge and attested by the county clerk, with his official seal affixed thereto, and the coupons may be attested by the engraved signature of the county clerk; and the county judge of such county shall order that the said bonds shall be deposited with a trustee or trust company to be held in escrow, and the railroad company may deposit the certificate for capital stock of said company, agreed to be given in exchange for said bonds, with such trustee or trust company, and the said bonds shall be delivered to the railroad company or its order, when it shall be entitled to the same by the terms and conditions of the said subscription submitted to said county: *Provided, however,* That said trustees or trust company shall, before receiving such bonds, give bond with good security, to be approved by the county judge, for the faithful performance of said duties under said trust: *Provided,* That it shall not be lawful for Madison county to subscribe to the capital stock of said company a greater amount than two hundred and fifty thousand dollars, nor for Jessamine to subscribe a greater amount than one hundred and fifty thousand dollars, nor for Estill to subscribe a greater amount than one hundred thousand dollars, nor for Lee to subscribe a greater amount than fifty thousand dollars; and it shall not be lawful for any of said bonds to be delivered to said railroad company, except as the road is completed, in accordance with the order of submission made by said county court.

Levy of tax to
pay bonds.

§ 10. An annual tax sufficient to pay the interest of said bonds, and the principal when it shall become due, shall be levied and collected and paid out by the officers of said county as provided in the case of other county taxes: *Provided,* That by no future act of consolidation with any railroad company shall this

company acquire the power or right to submit any proposition of taxation to any county other than those named in this act: *And provided further*, That said company shall make a preliminary survey of its route within one year after the passage of this act, and shall commence work in good faith upon its road-bed within the next year, and shall each year thereafter perform one-fifth of the work necessary to complete said road: *And provided further*, That it shall not be lawful for said railroad company to receive any of said bonds from Jessamine county until the road is completed to Nicholasville, when it shall be entitled to one-half thereof, and to the remaining one-half when the road is completed to Richmond, Kentucky. And it shall be unlawful for said railroad to receive any of said bonds from Madison county until the road is completed to Richmond, when it shall be entitled to one-half thereof, and to the remaining one-half when the road is completed to a point on the Kentucky river at or near Beattyville. And it shall be unlawful for said railroad to receive any of said bonds from Estill county, except proportionately, as the road has been completed through said county. And it shall be unlawful for said railroad to receive any of said bonds from Lee county until the road is completed to a point on the Kentucky river, at or near Beattyville; and if said corporation shall acquire any lands by subscription or otherwise, not necessary for the operation of its railroad, it shall dispose of the same within five years next after the date of the deed through which it has derived title.

§ 11. This act shall take effect from and after its passage.

Approved March 10, 1888.

CHAPTER 450.

AN ACT to incorporate the town of White Plains.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary. § 1. That the boundaries of the town of White Plains shall be as follows: Beginning at a planted stone, the north-west corner of said town, running thence south three and a half west, crossing the Chesapeake, Ohio and Southwestern Railroad at eighty-five poles, in all one hundred and sixty poles; thence eighty-six and a half east one hundred and sixty poles; thence north three and a half east, crossing said railroad at eighty-five poles, in all one hundred and sixty poles; thence north three and a half west one hundred and sixty poles to the beginning.

Board trustees. § 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Saturday in April by the qualified voters of said town: *Provided, however,* That no one shall be eligible to said office of trustees who has not resided in said town one year next before his election, and who shall not be, at the time of his election, a qualified voter for State Representative.

Who eligible.

Body-corporate. § 3. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the board of trustees of the town of White Plains; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places; and may use a common seal, and alter and change same at will.

Take oath. § 4. Said trustees shall take an oath, before some officer qualified to administer it, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as

trustees during their continuance in office, as well as the general oath provided in the Constitution of this State.

§ 5. The trustees shall appoint a treasurer, who shall give bond in such penalty, with such security, as the trustees may approve. Appoint treasurer.

§ 6. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of the State vested in and granted to trustees of towns. They shall have full power and authority to make all necessary by-laws, ordinances and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of the United States or this State, for the purpose of securing the quiet and good order of said town, and the comfort and health of the inhabitants thereof. By-laws, ordinances, etc.

§ 7. The said trustees, for the use, benefit and ornament of said town, shall have power to acquire real and personal estate, either by purchase, donation, gift or otherwise; and shall have power to sell and convey, a majority of the board consenting thereto: *Provided*, That the votes for and against a proposition of a sale shall be taken, and the yeas and nays recorded, in a journal to be kept by said board. Acquire personal and real estate.

§ 8. The said trustees may, by ordinance passed by a majority of members elected, and the yeas and nays thereon recorded in the journal of said board, whenever the public convenience shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened; and may procure the condemnation of any real estate for that purpose as follows: *Provided*, That in no case shall private property be taken for any such purpose without the written consent of the owner or claimant, or a full and just compensation therefor be first paid in money by said town to the said owner or claimant. If the amount of said compensation can not be fixed by agreement, the trustees may then proceed to condemn the same Open streets. Condemnation.

as prescribed by chapter 103 of the Revised Statutes, and either party may appeal as provided by law.

§ 9. The trustees shall, at any time before final order in the case, have power to dismiss the petition, which shall not prevent them from instituting the same proceeding for opening, widening or extending the same street or alley at any future period. From all final judgments with the county court an appeal may be taken to the circuit court and Court of Appeals, as is now provided by law in cases of opening public roads.

License taxes. § 10. The trustees shall have power to tax hotel keepers, saloon keepers, or other persons who may receive license from the county court of Hopkins county to sell spirituous, vinous or malt liquors, or mixtures thereof, within the limits of said town as established by this act, and may, by ordinance, fix the sum to be paid for such license: *Provided, however,* Nothing in this section shall authorize said board of trustees to grant license for the sale of spirituous, vinous or malt liquors, or mixtures thereof, when the same is prohibited by local or general law of this Commonwealth.

Ad valorem tax. § 11. The trustees shall have power to levy an ad valorem tax, not to exceed fifty cents, on each one hundred dollars' worth of taxable property within the limits of said town, exclusive of poll-tax for municipal purposes. The poll-tax shall not exceed one dollar and fifty cents.

Town marshal. § 12. The town marshal shall, by virtue of his office, be the assessor and collector of the taxes. He shall, at the May or June meeting of the board of trustees in each year, execute bond to the town with good security, to be approved by the board of trustees, that he shall, during the next twelve months thereafter, collect, account for and pay to the town treasurer, and to other persons entitled thereto according to law and the ordinances of the town, all taxes and public dues, also all fines, amercements and penalties directed or

authorized by law or ordinance to be collected or received by him.

§ 13. The said marshal, assessor of taxes, shall, Marshal as assessor. after being sworn faithfully to perform the duties as such, call upon the taxable persons within the limits of said town, and make out a true list of all taxable property owned by them on the tenth day of January of each year, including what they own under the equalization law, with the value thereof; and this shall be made upon the oath of the tax-payer, to be administered by the said marshal as assessor; and said list shall embrace all property, real and personal, in said town, all the males over twenty-one years of age, and Assessments. all the personal property taxed under the equalization law; and if any person shall refuse to give in said list, he or she shall pay triple tax on the value of their property: said value to be ascertained by the oaths of any two persons resident in said town, and said triple tax to be recovered by warrant before the police judge in the name of the board of trustees. The said assessor shall return his list within one month, from the time he begins to take said list, to the clerk of the board of trustees, and may be fined for a failure so to do upon a warrant before the police judge, in the name of the board of trustees, in a sum not less than five or more than twenty dollars; but the board may, for good cause shown, extend the time for said assessor to return his list. Said assessor shall be paid for his Compensation. services as the trustees may direct.

§ 14. For all taxes hereinbefore authorized the town Liens for taxes. of White Plains shall have a lien relating back to the day when the assessment should commence upon all real and personal estate therein belonging to the persons or corporations owing such taxes: *Provided*, That purchasers of property owing taxes shall be liable only for the taxes of the property purchased.

§ 15. If there be no personal estate which the marshal can distrain for tax due on real estate, or if the personal estate be found Penalty for non-payment of taxes insufficient to pay the whole

of such tax, and the owner of the land or lot shall fail to pay the same by the tenth of December of the year in which such tax is due, ten per centum shall be added as a penalty; and the marshal shall, on the first day of some county or circuit court, at the door of the court-house of Hopkins county, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the taxes thereon, together with the ten per cent. penalty above specified, and the cost and expenses of the sale, to the highest bidder for cash.

Sell land. The time, place and terms of sale, together with the statement of name of the owner, or a description of the land or lot, and the amount of tax and the penalty due thereon, shall, before said sale is made, be advertised at the door of said court-house and five other public places in the town of White Plains.

Report of sale for taxes.

Redemption. § 16. All lands and town lots sold by the marshal for taxes may be redeemed by the owner or his representative, at any within two years from the day of sale, by paying the purchaser or his representative the amount of purchase money, and interest thereon at the rate of ten per cent. per annum from the day of sale until redeemed: *Provided*, Infants shall have two years after arriving at majority to redeem their lands sold for taxes as herein authorized.

§ 17. The marshal who sells town lots or lands for taxes, or his successor, must convey the title to the purchaser or his assignee or heirs, unless the land be redeemed as provided above.

§ 18. The board of trustees shall have power, in addition to the other powers granted in this charter—

Calaboose. 1. To establish and erect a calaboose or lock-up for the use of the town of White Plains.

Infectious diseases. 2. To make regulations to prevent the introduction and spreading of infectious or contagious diseases, and to establish pest-houses and prescribe the regulations for their government; and to make all rules to secure the health of the inhabitants of the town.

3. To license, tax and regulate auctioneers, pawn- Auctioneers and brokers, and all goods sold at auction. pawnbrokers.

4. To regulate and license shop-keepers, coffee- Druggists, &c. houses, druggists, groceries and keepers of ordinaries or victualing houses.

§ 19. There shall be held an election on the first Election for Saturday in April, 1888, in said town, at such place, police judge. and at the same time every four years thereafter, as the board of trustees may appoint, and of which six days previous notice shall be given, in written or printed notices, posted in three public places in said town by the town clerk; at which said election there shall be elected, by the qualified voters thereof, a police judge, who shall hold his office for the term of four years, or until his successor is elected and qualified.

§ 20. The jurisdiction of the police judge, in civil Jurisdiction. actions and proceedings, shall be concurrent with that of a justice of the peace within the limits of said town. For violations of the by-laws or ordinances of said town, and in felonies and misdemeanors, his jurisdiction shall be as prescribed by the Criminal Code of Practice.

§ 21. The police court shall be a court of record, Court of record. and the judge thereof shall act as clerk, and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 22. All fines and forfeitures of the by-laws or Fines, &c. ordinances of said town shall be paid into the town treasury.

§ 23. The fees of said judge, whether acting as Fees judge or clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in other courts having similar jurisdiction.

§ 24. There shall be held an election on the first Saturday in April, 1888, and at the same time every two years after, as hereinbefore specified, for the election of a police judge, at which time there shall be elected by the qualified voters a marshal, who shall hold his office for a term of two years and until his successor is elected and qualified.

§ 25. It shall be the duty of the marshal to attend all the sessions of the police court, and to attend to the procuring of evidences in cases in which the town or board of trustees of White Plains is a party, within the limits of the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town or the laws of this Commonwealth. He shall possess the same powers as constables; he shall execute all process, civil or criminal, issued and directed to him by the chairman of the board of trustees, board of trustees or police judge; he shall possess the same power and authority as a constable within the limits of said town, and shall be entitled to the same compensation as constables for like services.

§ 26. Police judge and marshal shall, severally, before they enter on the duties of their respective offices, execute a covenant, payable to the Commonwealth of Kentucky, with such sureties as the trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons as may be entitled to the same all money or other property that may come to their hands as such officers respectively, which bonds, with the approval of the board of trustees certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of the Hopkins county court; and shall also take the oath of office required by the Constitution.

§ 27. The board of trustees of White Plains, or any person injured by the breach of any or either of said covenants, may, in any court having jurisdiction, prosecute suit or motion against the said officer by

whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs or devisees, or any or either of them, as now provided by law for sheriffs and constables; and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of White Plains, and every person aggrieved by the acts or omissions of such officer, shall have been recompensed.

§ 28. All male citizens of said town, who shall be Qualified voters. over twenty-one years of age, and entitled to vote for Representative, shall be entitled to vote for trustees and the other officers hereinbefore mentioned: *Provided, however,* Before any person shall be qualified to vote, he must have paid all tax, fines and forfeitures due from him to the said town.

§ 29. All vacancies that may occur after an election, Vacancies. in either the office of trustee, police judge or town marshal, may be filled by a majority of the board in office; and the person thus appointed shall remain in office until the next succeeding annual election.

§ 30. All elections for officers under this act shall Clerk hold election. be conducted by the clerk of the board, whose duty it shall be to give at least six days' written or printed notice of each election, to be posted in three public places in said town; he shall, after each election, give to each officer elected a certificate of his election, who shall thereupon take the oaths prescribed by this act.

§ 31. W. B. Bailey, G. G. Dillingham, G. L. Hardwick, J. N. Green and E. P. James are constituted trustees of said town, and authorized to act as such until their successors are elected and qualified as hereinbefore provided; and Jesse Bass is hereby authorized to act as police judge of said town, after being duly commissioned according to law, until his successor be duly elected and qualified. William Young shall act as marshal of said town, after qualification, until his successor is duly elected and qualified.

§ 32. This act shall take effect from and after the day of its passage.

Approved March 9, 1888.

CHAPTER 451.

AN ACT to incorporate the town of Cerulean Springs, in the county of Trigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

§ 1. That the town of Cerulean Springs, in Trigg county, State of Kentucky, be, and the same is hereby, incorporated, with the following boundary, to-wit:

Name. Beginning at the Lime Stone spring on the bluff of Muddy Fork of Little river, below the Sulphur spring; thence on a line to J. M. Bearfield's spring; thence to D. C. Wood's stable, about seventy-five yards west of said Wood's dwelling-house; thence to T. J. Guthrie's stable, fifty yards south of said Guthrie's dwelling-house; thence to a point in the Hopkinsville road, corner of D. R. Turner, W. J. Elliott and J. R. Woosley, near a pond on said road, including J. R. Woosley's improvements; thence to a point fifty yards southeast of R. R. Turner's, to and including the railroad; thence down the east side of said railroad to Muddy Fork of Little river; thence to the Sulphur Spring, including said spring; thence down Muddy Fork to the beginning. That a copy of said boundary be kept by the citizens of said town, and that said copy be at all times subject to inspection by the citizens of said town. That said trustees cause another copy to be filed in the office of the county court clerk of said Trigg county for record.

Boundary.

ARTICLE II.

§ 1. That the municipal government of said town shall consist of the board of trustees of Cerulean Springs, composed of five persons, one of whom shall, at the first regular meeting of said board, be by them chosen in such manner as they, or a majority

Board of trustees.

of them, shall determine, to preside over their meetings; and he shall be styled "Chairman of the Board of Trustees of Cerulean Springs;" and the following named persons, to wit: J. S. White, B. F. Felix, J. T. Mitchell, W. H. Nolen, and J. M. Bearfield, are hereby appointed and constituted such board of trustees, who shall hold their office until the first Saturday in May, 1889, and until their successors are duly elected and qualified, as hereinafter prescribed.

§ 2. That the said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called by the name and style of "The Board of Trustees of Cerulean Springs;" and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; and of taking, holding, leasing, and conveying such real, personal, and mixed estate as the town requires, within or without the limits afore-mentioned; they may or may not have a corporate seal. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly sworn by some justice of the peace of said county, or other officer of the town or county authorized to administer an oath, that they shall faithfully discharge the duties of said office.

§ 3. That all the legislative powers of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a town clerk, a police judge, and a marshal, and such other officers as the board of trustees may from time to time direct and appoint. The following named persons are hereby appointed and constituted as officers: B. A. P Pool, clerk; T. J. Guthrie, police judge; J. C. Puckett, marshal. Said officers to hold

their respective offices until the first Saturday in May, 1889, and until their successors are duly elected and qualified.

Election police judge. § 5. That an election shall be held in said town on the first Saturday in May, 1889, and on said day of said month in every year thereafter, except for police judge, who shall be elected every two years at such place as the board of trustees may appoint, of which ten days previous public notice shall be given, in printed or written notices, posted in three prominent places in said town by the town clerk.

Election trustees and marshal. § 6. That at the said election there shall be elected, by the qualified voters of said town, five trustees, a police judge, a marshal and a town clerk, and the person or persons having the highest number of votes cast at said election for either of said offices shall be declared elected.

Removal from office. § 7. That every person appointed to office by the board of trustees, or elected by the people, may be removed from office by a vote of a majority of all the members of the board of trustees; but no officer, who has been elected by the people, shall be removed except for cause, unless first furnished with the charge and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

Vacancies. § 8. That whenever any vacancy shall happen by the death, removal, resignation or otherwise of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by death, removal, resignation or otherwise, of any officer appointed by the board of trustees, may be filled by appointment of the trustees.

§ 9. That all citizens living in the town, who are Qualified voters. qualified to vote and hold office under the Constitution and laws of Kentucky, who have been citizens of the town six months prior to the election, are entitled to vote and hold office in said town.

§ 10. That when two or more candidates for any Tie decided. elective office shall have an equal number of votes cast for the same office, the election shall be determined by a majority of the board of trustees.

§ 11. That the board of trustees shall, before every Officers' election. town election, appoint suitable persons as officers of election—two persons as judges, one as sheriff, and one as clerk; but no person who is a candidate for election to any office which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services, and be entitled to like pay as officers of State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth.

§ 12. That all elections by the qualified voters of the Hours election. town shall be held between the hours of 7 A. M. and 6 P. M.

§ 13. That all laws in force in this Commonwealth Illegal voting. punishing illegal voting in the State elections shall apply to illegal voting in the town of Cerulean Springs for any officer, subject, however, to all the provisions of this act touching the qualifications of voters.

§ 14. That the board of trustees shall judge of the qualifications, elections and returns of its members in cases of contested elections for any town officer elective by the people; shall be heard and determined by the board of trustees under such rules as may be prescribed by the by-laws or ordinances.

§ 15. That the poll-books of all elections in the town Poll books. shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and com- Compared.

Certificates. pare the same, and issue certificates to the officers elected ; which certificates shall, before being delivered, be spread on the records of the board of trustees.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take an oath before the presiding judge of the Trigg county court, justice of the peace for said county, or other officer authorized to administer an oath ; the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

Chairman. § 2. The chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth, and the by-laws and ordinances of the town, are duly enforced, respected and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions, in cases where, from a vacancy in the office of police judge, or from absence or sickness or other cause, the police judge can not act ; and he shall have the same fees therefor as the police judge is allowed ; but he shall account for and pay over to the town treasurer, when required by said officer, all fines or other moneys received by him in his judicial capacity.

Police judge.

Clerk. § 3. That the clerk shall keep the corporate seal, if there be one, and make and keep a true record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend ; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees.

certified by him, shall be evidence in all courts. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 4. That the treasurer shall receive all moneys be- Treasurer.
longing to the town, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All money shall be drawn from the treasury by a warrant from the chairman or acting chairman of the board of trustees, countersigned by the clerk. Such warrants shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, on the first Saturday in May of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last report, and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 5. That it shall be the duty of the marshal to Marshal.
attend all the sessions of the police court. He shall execute all processes, civil and criminal, issued, and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Trigg county court, or any justice of the peace. He shall possess the power and authority of the constable under the statutes of this Commonwealth; and his powers for discharging his duties shall be co-extensive with Trigg county. He shall be entitled as compensa- Marshal's fees.
tion to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables' and sheriffs' fee-bills are; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-laws or ordinance. He shall be liable in the same cases, way and manner, and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are.

§ 6. That it shall be the duty of the marshal to col- Tax collector.
lect all taxes and assessments which may be levied by

the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees. That it shall further be the duty of the marshal to promptly pay over all moneys so collected to the treasurer of the town.

§ 7. That the police judge, marshal, treasurer and clerk shall severally, before they enter upon the duties of their respective offices, execute a bond, payable to the board of trustees of Cerulean Springs, in such sums, with such conditions and sureties, as the board of trustees may approve. Said bonds to be filed and carefully kept with the clerk of the Trigg county court.

Breach official
bond.

§ 8. That the board of trustees of Cerulean Springs, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against said officer by whose breach of duty they have been injured.

Turn over papers
to successors.

§ 9. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars (\$100), besides all costs and damages caused by his neglect or refusal so to deliver.

ARTICLE IV.

Police court.

§ 1. That there shall be established in this town a court, to be styled "The Cerulean Springs Police Court," who shall be elected as is hereinbefore provided.

Jurisdiction.

§ 2. That the Cerulean Springs police court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without the intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town.

Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer the same, that the circuit courts have like power to take the bond as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same, and shall have the power of a justice of the peace as an examining court.

§ 3. That the judge of said court shall be a con-^{Conservator of}servator of the public peace, and may order arrests for all offenses against the laws of the Commonwealth or by-laws and ordinances of the town; and for those committed within his presence may order arrests without warrant. The person is to be dealt with according to the laws of the Commonwealth or the by-laws and ordinances of the town; and if any person against whom a penalty or fine is assessed in said police court for a violation of the by-laws or ordinances of said town shall fail to pay the same, said police judge shall have authority to direct the confinement of such person in town prison-house or lock-up, or work him upon the streets of said town until said fine be paid, at the rate of one dollar per day for each day confined or worked. Said person, while confined or worked, shall be under the direction of, and control and care of, the marshal, whose duty it shall be to see that the person so imprisoned or worked is properly cared for while so confined or worked, and the marshal shall have power, if found necessary for the safe-keeping of any prisoner, to place upon said prisoner a ball and chain.

§ 4. That the police court shall be a court of record,^{Court of record} and the judge thereof shall act as clerk; and certified records of said court, or copies thereof over the signature of the judge, shall be evidence in any court of this Commonwealth; and that any justice of the peace, whose residence is within the corporate limits of said town, may, by virtue of his office, act as police judge until the first Saturday of May, 1889;

and said acting police judge shall be required to give a separate bond to the board of trustees in such amount as may be required by them for the faithful discharge of his duties of said office.

Process.

§ 5. That all proceedings in and processes from the police court shall be in the name of the Commonwealth of Kentucky. The processes shall be made returnable to the police court, and may be directed to the town marshal, but the judge may direct the processes to any constable, sheriff, jailer, coroner or policeman, and the person executing the process of said court shall be entitled to the fees for the like services and to the like remedy for the collection thereof as the constables and sheriffs of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines, etc.

§ 6. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Cerulean Springs or of the board of trustees of Cerulean Springs, are hereby granted to the town of Cerulean Springs.

Fines, etc.

§ 7. That all fines and forfeitures recovered in the police court are to be collected by the marshal, or other officer to whom the execution of *capias pro fine* is directed, and to be paid by him to the town treasury; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of police court, who shall pay the same to the town treasury.

Replevin.

§ 8. That the defendant shall have a right, at any time, to replevy for (3) three months, any judgment, fine, or forfeiture of the police court, or execution, or other final process thereon, by giving bond with good surety, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

Police court always open.

§ 9. That the police court shall always be open for hearing and determining such penal and criminal

cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 10. That the provisions of the Criminal Code of Criminal Code. Practice shall regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 11. That the fees of said judge shall be the same Fees of police judge. in all cases as are now or may hereafter be given by law to officers performing like services, and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having same jurisdiction.

ARTICLE V.

§ 1. That the board of trustees shall have stated Meetings of board trustees. meetings, and the chairman may call meetings by notice to each member of the board of trustees, either oral or written. A majority of the persons elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the man- Finances. agement and control of the finances and all property belonging to the corporation; and shall have power to contract and be contracted with for and on behalf of said town, and shall have power to provide for the erection and repair of all needful public buildings for the town, and shall likewise have power within the jurisdiction of said town, by by-law or ordinance—

1. To restrain and prohibit all descriptions of gam- Prohibitions. ing and fraudulent devices, and all playing cards, dice and other games of chance, whereat any thing of value is bet, won or lost.

2. To regulate the tax for the selling of any ardent Tax on licenses. spirits or other intoxicating, fermented, vinous or malt liquor, by any hotel, tavern or innkeeper or merchant

License tax. of said town, under and by virtue of the present statutory laws of this Commonwealth: *Provided*, That in addition to the present State tax, the tax (under this act if such traffic be tolerated in this town) upon licensed hotel, tavern or innkeeper, shall not exceed one hundred dollars (\$100), nor be less than fifty dollars (\$50) per year; the tax upon licensed merchant or merchants shall not exceed fifty dollars (\$50), nor be less than twenty-five dollars (\$25) per year. Said merchant or merchants shall not sell in less quantity than one quart.

3. To prohibit the giving away of any spirits or other vinous, malt or intoxicating liquors to any minor or apprentice without the written consent of his or her guardian, parent, master or mistress.

License tax. 4. To license, tax and regulate, suppress and prohibit billiard tables, nine or ten-pin alleys, ball alleys and shooting galleries; and to punish, by fine or imprisonment, all reckless or useless discharging of fire-arms within the corporate limits.

5. To authorize the chairman of the board of trustees, or other proper officers of the town, to grant and issue license, and direct the time and manner of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents.

Riots, routs and breach of peace. 6. To prevent and suppress any riot, rout or breach of the peace, noise, disturbance, or disorderly assemblage.

7. To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to compel persons to fasten or secure their horses, mules, oxen or other animals while attached to vehicles or otherwise standing or remaining in the streets.

8. To prevent any obscene, indecent or profane exhibition or conduct.

9. To restrain and punish vagrants and prostitutes.

10. To have exclusive power over the streets, sidewalks and alleys, and to remove and abate any obstructions therein or thereon.

11. To abate and remove nuisances, and to punish the authors thereof, by penalties of fine and imprisonment, and to define and declare what shall be a nuisance, and authorize the summary abatement thereof.

12. To appoint watchmen and policemen, and pre-^{Watchman and policeman.}scribe their duty, power and pay.

13. That said trustees shall have power to purchase, acquire and hold, by deed, gift or lease, any lot or lots of any parcels of land, building or buildings necessary for the use of the town; and may lease or erect a good and sufficient building to be used as a lock-up for said town, for the confinement of persons convicted in the police court of said town for the violation of the ordinances or by-laws of said town, or for the temporary keeping of other lawful prisoners until they can be removed to the county jail, or to any other county jail that they may belong.

ARTICLE VI.

§ 1. That the board of trustees shall have power to ^{Levy taxes.} levy a tax on all persons living in said town, or owning property within the corporate limits, not exceeding twenty cents (20 cts.) or less than ten cents (10 cts.) on the one hundred dollars (\$100) *ad valorem*; also power to impose a poll-tax of not less than one dollar (\$1) or more than two dollars (\$2) on each male citizen twenty-one years of age and over (except ministers of the gospel residing, or that may hereafter reside, within the corporate limits of said town, who are hereby exempted from payment of poll-tax), all to be applied to meet the expenses incident to said corporation, such as payment of salaries, street re-

pairs, etc., etc.; and all fines and forfeitures are to be applied by the trustees in such manner as will be beneficial to the town.

Who labor on
streets.

Penalties for not
working streets.

§ 2. That the board of trustees shall have power to require, and it is hereby made the duty of every able-bodied male citizen of said town over sixteen and under fifty years of age, except ministers of the gospel, to faithfully labor three days in each year upon the streets of said town, under the supervision of the street commissioner, to be appointed by said board of trustees to furnish such tools as the trustees may require; but every person may, at his option, instead of laboring, pay into the town treasury at the rate of one dollar per day for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment as aforesaid, the sum of two dollars per day and costs of proceeding may be recovered against each person in default by the said board of trustees by action before said police judge, and all persons who may be so required to labor shall be exempt from working on all other, or any roads in Trigg county, outside the boundary of said town, as designated by this act.

Money applied.

§ 3. That all money levied or collected by virtue, or in pursuance of this act, including all fines, forfeitures and penalties imposed and collected under this act, or the State laws, or the by-laws of the said town, and all taxes and assessments, and all money collected for licenses, shall be for the use of said town, and paid into the treasury thereof.

§ 4. That this act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 452.

AN ACT to incorporate the Fairfield and Beech Fork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created a body-politic and corporate, by the name and style of the Fairfield and Beech Fork Turnpike Road Company, for the purpose of making a turnpike road along or near to the present public road from Fairfield towards Springfield, commencing near John Briggs' residence in the edge of the Bardstown, Stringtown and Beech Fork pike, and terminating by connecting with the Bardstown and Plum Run Turnpike now proposed for construction.

§ 2. That the capital stock of said company be divided into shares of twenty-five dollars each. The books for subscription of stock may be opened by W. D. Huston, Thos. H. Briggs, S. F. Wilkinson, Wm. Wilkinson and John Briggs. When the sum of twenty-five hundred dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the persons above named, or some one of them, to give notice, in such manner as may be deemed proper, for a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and three directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and directors, and a majority of the board shall be competent to transact business.

§ 3. Said company shall be capable of holding, by purchase or gift, all such lands, tenements, and personal property as may be necessary for the prosecution

of their work, and for repair of their turnpike road from time to time, as to them may seem necessary, and for the erection of toll-houses along same. They shall have power to sue and be sued, plead and be impleaded, in any court of law or equity, and generally to have and use a common seal, and do all and any act or thing which a corporation may lawfully do to effect the object of its creation.

§ 4. The president and directors shall regulate the elevation and grade of said road; the width of the part thereof to be covered with stone or gravel; shall designate the point at which said road may strike its terminal point; may erect its toll-gates; may fix the rates of toll, and change same as it may please, not to exceed those prescribed by the general law. After three miles of said road may be constructed, said company may erect a gate, collect toll, and apply the proceeds to the completion of the road.

§ 5. The president and directors, with their surveyors and employes, are hereby authorized and empowered to enter upon the lands through or over which they may propose to construct said road, and survey the ground most proper, in their opinion, for said purpose; to examine quarries or beds of stone, gravel and other material necessary for said road. It shall be lawful for the officers and their employes, subject to the provisions hereinafter set out, with their tools, wagons, &c., to enter upon lands contiguous to said road for the purpose of obtaining the necessary material for the construction of said pike; and should the said company, in order to secure a better location for said road, deem it best to diverge from the present public road, they may do so; and if they may not be able to agree with the owners of lands for the location of said road, or for securing material for the construction of same, the president and directors shall apply to the county court of Nelson county for a writ of *ad quod damnum*, and cause to be assessed the damages, which may be assessed by

the owners of such lands as may be required for the procurement of material or the location of said road of the width of present public road along said route; and the jury, in assessing of damages, shall take into consideration the advantages and disadvantages resulting to the parties claiming damages by the establishment of said road; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry any stone, gravel or other material necessary for the construction of said road, or for the repairing of same from time to time.

§ 6. The president shall give notice in such manner as he may deem proper for the collection of the stock, either for the payment of the whole or part thereof; and if any stockholder shall neglect to pay the stock which may be called for, for the space of thirty days after being called for, such stockholder shall be liable for one per cent. per month for delay of payment. No stockholder in arrears, after having been called upon for payment of his subscription, shall have a vote at any election, except as to the shares he may have paid in full.

§ 7. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, with such compensation for each as may be fixed by the company. Said appointees may be displaced at pleasure by the company. The treasurer may be required to give bond and security for the performance of such duties as may be required of him.

§ 8. The gate-keepers of said road shall be subject at all times to hold the gates and premises thereto belonging or attached to said company's road at the will and pleasure of the president and directors, and deliver same to said president and directors whenever thereto required without notice to quit.

§ 9. This act shall take effect from its passage.

Approved March 9, 1888.

CHAPTER 453.

AN ACT to authorize Owen county to sell and convey certain real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Owen county be, and it is hereby, authorized to sell certain real estate, now used and known as the poor-house farm, near the town of Owenton, in Owen county, and owned by said county.

§ 2. The judge of the Owen county court is hereby authorized to appoint a commissioner to convey said property, when the same shall have been sold, and the purchase money fully paid to the county treasurer.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 454.

AN ACT for the benefit of J. P. Lunsford, late sheriff of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. P. Lunsford, late sheriff of Hopkins county, be permitted to list all fee-bills, unpaid taxes, and all other claims due him as sheriff, with the coroner and constables of Hopkins county for collection, during and for the time now allowed him by law to make such collections.

§ 2. That said coroner and constables shall have the power and authority to levy upon and sell such property, real and personal, owned by the parties owing such tax, as may be necessary to pay same.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

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